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CHARTER

SECTION 1

That the inhabitants of the town of Warrenton, Warren County, State of North Carolina, as the boundaries and limits of the said town are herein established, shall be and continue as heretofore they have been, a body politic, incorporated under and to be known by the name and style of the “Town of Warrenton,” with such powers, rights and duties as are herein provided or as are provided by section two thousand nine hundred and sixteen of the Revisal of one thousand nine hundred and five.

SECTION 2

That the corporate boundaries of the said town of Warrenton shall be as follows:

Beginning at a stone monument on the road leading from Warrenton to Warren Plains at the southeast corner of lot adjoining the yard of the Presbyterian parsonage on the west side of the road about 200 feet southeast from said parsonage; thence S. 88 degrees and 5 feet E. a distance of 1,295 feet through the property of R.B. Boyd, passing through the southeast corner of said R.B. Boyd’s yard, to a stone monument in said R.B. Boyd’s garden; thence S. 6 degrees and 15 feet W. for a distance of 6,260 feet through the property of said R.B. Boyd, the Warrenton Railroad, E.S. Allen, Bucky Yancey, Richard Burgess, P.J. Macon, W.B. Boyd, the public school property, J.B. Powell, John Hall, Sr., Isaac Alston, and H. F. Jones, to a stone monument on the property of said H.F. Jones; thence N. 86 degrees and 45 feet W. for a distance of 3,110 feet, through the property of M.P. Burwell, crossing the street near the residence of W.T. Alston, continuing through property of Edmund White. J.G. King, crossing south end of Main Street near J.A. Downtin’s residence, continuing through property of J.A. Downtin to a stone monument near a branch on J.A. Downtin’s property; thence N. 6 degrees and 165 feet E. for a distance of 2,775 feet through the property of H.T. Macon, P.H. Allen, Dr. Walters, Hawkins place, Haley and others, to a stone monument at the end of concrete walk on the north side of Franklin Street; thence N. 23 degrees and 45 feet E. for a distance of 3,695 feet through the property of negro public school, John Graham, and crossing the road leading to Fairview Cemetery to a stone monument on the north side of Ridgeway Road, thence across property of James Crossman, J.R. Rodwell, and others, to a stone monument about 30 feet west from cotton mill public school; thence 88 degrees and 5 feet E. for a distance of 705 feet to a stone monument on the road leading from Warrenton to Warren Plains, which stone is the place of beginning.

SECTION 3

That the town of Warrenton is made a body politic and corporate by this act and shall have perpetual succession, and may use a common seal, may sue and be sued, may contract and be contracted with, may plead and be impleaded in all courts and places and in all manner whatsoever; and may take, hold and purchase land and any other property, by gift, devise or conveyance in a manner, and may sell same for the purpose of its welfare, government, and improvement; and may own and purchase stock in any corporation or enterprise or industry for the purpose of its welfare, government, and improvement; and may own and purchase stock in any corporation or enterprise or industry for the purpose of its welfare, government and improvement, or for the comfort or convenience of its citizenship; and may sell and reinvest same; and may take, hold, and purchase land as may be needed for the corporate purposes of the said town, including the right to acquire property for electric lights and water-works, and for water supply, to include the source of same, together with watershed and suitable water power for generating electricity or other power and may acquire by purchase or condemnation any real estate necessary in connection therewith and also rights of way which may be necessary to carry into effect the provisions of this act; and shall have the power to open, change, widen, or discontinue streets, when promotive of the interest of the public; and shall have the power to lay out, establish, open, alter, widen, lower, extend, grade, narrow, cleanse, care for, sell, pave, supervise, maintain, improve, establish, and ornament the streets, alleys, highways, sidewalks, squares, parks, public grounds and places, and to vacate or close the same; to put drains and sewers therein; to provide for and regulate the lighting thereof; regulate, control, license, prevent, prohibit, and suppress the opening thereof, the digging therein, and the interference therewith in any manner whatsoever; and may place therein pipes, poles, wires, fixtures and appliances of every kind, whether on, above, or beneath the surface thereof; to regulate and control the use thereof by any and all persons, animals, and vehicles, in whatsoever way and purpose; to prevent, abate, and remove encroachments, obstructions, pollutions, or other litter therein; to open new streets and highways and sidewalks, and to make and enforce any and all regulations in respect thereof as the board of town commissioners of the said tow may deem proper or expedient to promote and insure the health, comfort, safety, and convenience of the inhabitants or property and public of the said town.

SECTION 4

That when the said board of town commissioners shall determine to open any new street or sidewalk, or widen or change any street or sidewalk already opened, or when it shall deem it necessary to acquire any lands or rights of way for any purpose contemplated or permitted by this act, and the same cannot be acquired by purchase at a price agreeable to the said board of town commissioners, the same may be taken at a valuation to be made by three freeholders of the said town of Warrenton to be chosen by the said board of town commissioners, and said

freeholders, after being duly sworn by some person authorized to administer oaths to do full and impartial justice between the said town and the owner or owners of such lands, shall take into consideration the damage or loss which may accrue to such owner in consequence of such taking and also any benefit or advantage such owner or owners may receive from the improvements for which the said lands are to be taken, and shall state the value and amount of each. The excess of loss or damage over the advantage shall be the measure of valuation of such land or rights of way. The said freeholders shall make their report to the clerk of the Superior Court of Warren County, who shall docket the said proceedings upon the special proceedings docket of his court, and shall issue a notice to the owner or owners of said land to show cause at a time therein named why such report should not be approved, which time shall be at least ten days. If any owner shall be an infant, a guardian *ad litem* shall be appointed to represent said infant, as in other cases; and if any such owner or owners shall be nonresident or his residence be not known, notice shall be given by publication, as in other cases. If no exception be filed to such report within the time fixed therein and after notice, the clerk of said court shall approve the same and adjudge the said town the owner of said property upon the payment of the damages and costs. If the said town or owner or owners shall be dissatisfied with the award of said freeholders, they may file exception in the said Superior Court within the time fixed for that purpose, which shall be heard by the clerk of said court, and either side may appeal to the Superior Court in term and demand a trial by jury; provided, that such appeal shall not hinder the said town from proceeding with the proposed improvements. Upon payment of the damages adjudged and the costs of the proceedings, the town shall become owner in fee of the land or lands so condemned, whether the same shall be situated within or without the said town. The above procedure shall obtain in the condemnation and taking of all private property for public use, under the right of eminent domain provided for in this charter.

SECTION 5

The Town of Warrenton may improve, construct, or pave any sidewalk within said town, or that may be established or located within said town, and may charge the abutting owner of the property to the extent of one-half of the costs thereof, and the same shall be a specific lien upon said abutting property against all and very owner, mortgagee, trustee, or lease thereof; and if the said costs are not paid within ninety days after the completion of the said work, the same may be enforced and collected by suit instituted by the said town of Warrenton in the Superior Court of Warren County, where the owner and other interested parties shall have the right to deny the whole or any part of the amount claimed to be due by the said town, and to plead any irregularity in reference to the assessment or any fact relied upon, to question the legality of the assessment, and the issue raised shall be tried and the case disposed of according to law and the course of practice of the court.

SECTION 6

That powers conferred upon the town of Warrenton and the administration of the government thereof shall be exercised by and vested in a principal officer styled the mayor, and seven commissioners, who are designated the board of town commissioners. The said mayor and seven commissioners shall be residents of the said town of Warrenton, and shall be elected biennially at the time and in the manner provided by the general laws of the state for the holding of elections by municipalities. The mayor shall be *ex officio* chairman of the said board of town commissioners and shall have a right to vote in all cases where there is a tie in the vote of said board of commissioners. The said board of town commissioners shall elect a mayor *pro tem* who shall perform the duties of the said office if for any reason the said mayor shall be absent or unable to perform said duties; in case of the death, removal, or resignation of said mayor, the board of town commissioners shall elect a mayor, and he shall hold the said office until his successor shall be elected at the regular election next held in the said town. Whenever a vacancy shall be filled by the other members thereof until the regular election next held in the said town. The said board of town commissioners shall regularly meet each month and transact such business as may come before it. Each member present at said regular meetings shall receive as compensation for his services at said meeting the sum of not more than four dollars, to be fixed by the ordinances of said town, and the said mayor shall receive for his services not more than six hundred dollars per annum, the amount to be fixed by the ordinances of the town. The present mayor and the board of town commissioners of the Town of Warrenton shall hold their offices until the next general election to be held the first Monday in May, A.D. one thousand nine hundred and fifteen, and shall have all powers granted by the general laws of the state, and also by the provisions of this act after the passage of same, until their successors are elected and qualified, who shall succeed to the same rights and obligations.

SECTION 7

That the said mayor and the said board of town commissioners of the town of Warrenton shall before they enter upon the duties of their said offices each take the oath prescribed for public officials in the State of North Carolina; and in case any of the said officers shall be guilty of misconduct, inability, or willful neglect of the performance of the duties of his said office, he may be removed from his said office by the said board of town commissioners of the said town of Warrenton, after being given an opportunity to be heard in his defense, in person and by counsel. The said board of town commissioners may for good cause remove any other officer provided for in this charter or employed by the said town, for malfeasance or misconduct in office, after the said officer or employee shall have been given an opportunity to be heard in defense, in person and by counsel.

SECTION 8

That the said board of town commissioners shall have the power and it shall be its duty to elect a town officer or constable, or more than one if the said board shall deem it necessary, and prescribe the terms of their offices, and their duties, and fix their salaries or compensation; these officers may be chosen from among the residents of the said town of Warrenton or from any other place, as the said board may deem best. The said town officer or officers may execute all process and precepts issued to him, when properly directed, anywhere in the said county of Warren; and the said officer or officers may be required by the said board of town commissioners to execute a bond in a sum fixed by said board, for the faithful performance of the duties of his said office. The said board of town commissioners shall have the power and it shall be its duty to elect a town clerk and a treasurer, and these two positions may be held by the same person, or any other official by whatever name designated, as it may deem best for the better administration of the laws and ordinances of the said town and for the preservation and protection of the citizenship and the health and the prosperity of the said town; these said officers may be required to execute a bond for the faithful performance of the duties of their respective office in a sum fixed by the said board of town commissioners; and the said board shall prescribe the terms of their said offices, and their duties, and fix their salaries or compensation.

SECTION 9

The mayor of the said town of Warrenton is hereby constituted an inferior court, and as such shall, within the corporate limits of the said town of Warrenton, have all power, jurisdiction, and authority of a justice of the peace to preserve and keep the peace and try and punish all criminals committing offenses in the said town within the jurisdiction of a justice of the peace, and may act as a committing magistrate where the justice of the peace would not have jurisdiction. The said mayor shall hear and determine all causes of action that may arise upon the ordinances or by-laws of the said town, and enforce penalties by issuing execution upon any adjudged violation thereof, and shall execute and enforce all the rules and regulations made by the said board of town commissioners. The said mayor shall have power to either fine or imprison, in his discretion, persons convicted before him of offenses over which he has jurisdiction, and such person or persons so convicted, when sentenced to a term of imprisonment by the said mayor, or upon their failure to pay the said fine and costs imposed by the said mayor for such offenses may be imprisoned in the town calaboose or county jail for the term specified in the order of the court, not to exceed the term of four months, this punishment, however, not to refer to offenses committed under the statutes of the State of North Carolina, where the said mayor has concurrent jurisdiction with a justice of the peace; and such persons so imprisoned in all cases where the said mayor has jurisdiction, wither for violation of an ordinance of the said town or for statutory offense, may be required to work upon the streets of the said town of Warrenton or upon the public roads of Warren County, or may be hired out by the board of town

commissioners of said town of Warrenton during the term of his imprisonment. If the defendant in any case heard by the said mayor shall be dissatisfied with the judgment of the said mayor or the court, he may appeal in like manner as provided for appeals from judgments of a justice of the peace. For the violation of any ordinance or by-law made by the said board of town commissioners the said board may prescribe penalties not to exceed a fine of two hundred dollars or imprisonment not to exceed four months for each offense.

SECTION 10

That the mayor shall keep a faithful, true, and correct minute or docket of the precepts and process issued by him and of all his judicial proceedings: he shall keep his office in the municipal building in the town of Warrenton, at which said office the said board of town commissioners shall hold their regular monthly meetings; a majority of the said board of town commissioners shall be competent to perform all the duties of the said board.

SECTION 11

That it shall be the duty of the mayor to take the lists of taxable property and polls within the said town of Warrenton on or before the first Monday in June in each year, having previously advertised the time and place for taking said list at the courthouse door in Warrenton and at three other public places in the said town for at least ten days; and after taking said list he is to deliver it to the town clerk on or before the first day of August in each year; and it shall be the duty of all persons required to list taxables and polls in the said town to attend before the said mayor at his office in the said town at the time designated by him for the taking said list and return before him on oath a statement of the real estate, poll, and all other property which he is required to pay taxes on, and all of the said list shall refer to the property owned by the owner on the first day of May preceding the listing thereof. That as soon as the said lists are completed, and not later than the first Tuesday in September each year, the board of town commissioners shall proceed to lay taxes on such subjects of taxation as it shall deem proper and as provided by law, and shall place the said tax lists, after the same shall be properly computed and the amount of taxes due thereon ascertained by the clerk of the said town of Warrenton, into the hands of the tax collector for collection, which shall not be later than the first day of October in each year; the said tax collector for collection, which shall not be later than the first day of October in each year; the said tax collector shall collect all taxes due the said town of Warrenton and shall pay the amount on hand each week into the hands of the town treasurer, and shall take receipt for the same, and he shall receive for his compensation for collecting said taxes not more than five nor less than three per cent upon the amount collected, the amount of compensation to be fixed by the said board of town commissioners. On the first day of January there shall be a penalty of one per centum added to the amount of all taxes due upon any property within the said town of

Warrenton for the preceding year, and an additional one per centum on the first day of each month thereafter until the same are paid.

SECTION 12

That That if any person liable for taxes on property required to be listed shall fail to pay the same when the same shall become due and payable, which shall be on the first day of October in each year, the said collector may proceed to collect the same by distress and sale and levy, after public advertisement for the space of ten days if personally, and for the space of twenty days if realty, in some newspaper published in the said town of Warrenton and by posters at three public places in the said town, and he shall sell the same at the courthouse door in the said town of Warrenton and by posters at three public places in the said town, and he shall sell the same at the courthouse door in the said town of Warrenton, or so much thereof as may be necessary to pay the taxes of the said owner; and if no person or persons will pay the taxes and expenses for any whole piece of real property sold for taxes, the same shall be bid in for the said town of Warrenton, and if not redeemed as hereinafter provided, the same shall belong to the said town in fee simple. The said collector shall make due and proper returns of all sales and purchases of property sold for taxes to the said board of town commissioners, which said board shall keep a record of the same, and if there be a surplus after having paid the taxes and expenses due the said town, the same shall be paid into the town treasury, subject to the demands of the owner. The owner of any real property sold under the provisions of this charter for taxes, or his heirs or personal representative, or any person acting for them, may redeem the same within one year from the date of the sale thereof by paying the purchaser the sum paid by him and 25% upon the amount of the taxes and expenses; and where the said town is the purchaser, said owner or his heirs or personal representative or agent acting for him may redeem the same by paying to the said town double the amount of the taxes due the said town. If the said real property sold as aforesaid for taxes shall not be redeemed within the time heretofore specified, the said town of Warrenton shall convey the same to the purchaser or his assigns, after giving the owner or owners ten days notice of its intention to do so, and the recitals in said conveyance shall be *prima facie* evidence that the same were true and done.

SECTION 13

That on the first Tuesday in April of each year the board of town commissioners shall examine the tax list and make out a list of insolvents who have failed to pay their taxes for the preceding year, which said list the clerk of the said board shall at once copy and post at the courthouse door in the said town of Warrenton. The said board of town commissioners may for good cause and in such cases as they may deem to the best interest of the public weal exempt certain residents of the said town from the payment of their town taxes. All persons who shall

fail to list their property or polls as herein required, or who shall falsely and fraudulently list or attempt to list the same, shall be guilty of a misdemeanor and fined \$50 or imprisoned thirty days.

SECTION 14

That the board of town commissioners shall have full power and authority to make ordinances, by-laws, rules and regulations for the better government of the said town of Warrenton not inconsistent with the laws of the State of North Carolina, as the said board may deem necessary and in the interest of the public weal, and may enforce them by imposing fines and penalties on such as violate them; and may compel the performance the duties imposed upon others by suitable penalties. The said board of town commissioners shall have power and is hereby authorized to levy annually and cause to be collected for municipal purposes and for the purpose of paying the interest and providing a sinking fund on any outstanding indebtedness, bonded or otherwise, of the said town, and for paying the interest and making provisions for a sinking fund on such future on such future bonds or indebtedness as may be authorized, an *ad valorem* tax on all real and personal within the corporate limits of the said town, and on all personal property owned by a resident of the said town, including money on hand and solvent credits, and upon all franchises and privileges granted by the said town to individuals or corporations, and on all subjects of taxation provided by the laws of the State of North Carolina, a tax not to exceed one dollar and twenty-five cents (\$1.25) on every hundred dollars (\$100) appraised valuation of said property, and in addition thereto a tax on all taxable polls not to exceed three dollars and seventy-five cents (\$3.75) on each poll, and in levying taxes for general purposes the constitutional equation between property and poll tax must be observed, but for special purposes it may not be observed; and the said board of town commissioners may annually lay a tax on all trades, professions, and franchises carried on or enjoyed within the said town, unless otherwise provided by law; and may license, tax, and regulate merchants, commission merchants, hotel and inn keepers, brokers, real estate and insurance agents or brokers, restaurants, barber shops, sellers of every kind of liquor, cider, bitters, or beverages; bowling alleys, billiard, pool or bagatelle tables, boarding houses, banks or banking agencies, drays, garages, liverymen, peddlers, insurance companies, lectures for reward, unless for religious or charitable purposes; photographers, auctioneers, express and telegraph companies; to license, tax, and regulate any itinerant or transient vendors of goods, wares, or merchandise of every description whatever, second-hand dealers in goods, wares, and merchandise, and all other businesses or occupations whatsoever which in the opinion of the said board of town commissioners should be proper subjects for police regulation. Any person, firm, or corporation desiring to engage in any business or occupation or to do any act upon which a special tax is imposed by the said board of town commissioners shall before engaging therein obtain a license from the mayor of the said town; and any person engaging in any such business, trade, occupation, profession, etc. without first obtaining said license shall be guilty of an offense against the ordinances of the said town, and may be punished as provided therein. No license

shall be issued for a longer period than one year, and no license shall be assignable, except by permission of the said board of town commissioners.

SECTION 15

That all ordinances, by-laws, rules and regulations in respect to the government of the said town of Warrenton, and in respect to the taxes and franchises thereof and all other matters, shall be made by the said board of town commissioners, and the same shall be published at four public places in the said town immediately upon their passage or enactment, and the same shall go into force and effect at once: and in the event the said board of town commissioners shall fail or neglect to prescribe such ordinances, by-laws, rules and regulations as are authorized under this charter, then the said ordinances, by-laws, rules and regulations which are now in force and effect in the said town of Warrenton shall be and remain in full force and virtue until the same are changed or repealed as provided by law.

SECTION 16

The right of control, easement, user, and ownership and title to streets, highways, and public thoroughfares and other property of the said town of Warrenton, and its avenues, parks, bridges, and all other places and property are hereby declared to be inalienable, except by ordinance duly passed by a majority of the board of said town commissioners, when said property may be sold by commissioners of said town; provided, that whenever application is made for any franchise lease, right or privilege in or to the streets and public thoroughfares or other property of the said town the same shall be submitted in writing and shall be recorded by the town clerk in his minutes and shall be tabled for the period of twenty days before the same shall be granted by the said board of town commissioners; and no franchise shall be granted for more than thirty years without first submitting the question to the vote of the qualified voters of said town; and no exclusive franchise shall be granted by the said board of town commissioners for any purpose whatsoever.

SECTION 17

That the board of town commissioners of the said town of Warrenton are hereby authorized and empowered to borrow money and pledge the credit of the said town for an amount not to exceed twenty-five hundred dollars (\$2,500), as they may deem expedient and for the best interest and welfare of the said town; and if the said board shall deem it to the best interest of the said town to borrow a sum of money in excess of the said twenty-five hundred dollars, then it shall do so only by consent of a majority of the qualified voters of the said town,

which said consent shall be obtained by a vote, after thirty days notice, at which time those who consent shall vote “approved” and those who do not consent shall vote “not approved”; this election shall be held under the rules and regulations provided for in the election of municipal officers by the general state law.

SECTION 18

The said board of town commissioners of the town of Warrenton may loan out any surplus funds which may come under their control belonging to the town, and for which there is no immediate use, with good and sufficient security, or they may deposit the same in same reliable bank or banks upon time deposit rules and collect interest thereon.

SECTION 19

The said town of Warrenton shall have power to condemn as nuisances all buildings, cisterns, wells, privies, hogpens and private cesspools and sewer openings which upon inspection of the health officer shall be found to be unhealthy and insanitary to persons and property, and may cause the same to be abated or removed by the owner thereof, and said owner may be subjected to a fine or imprisoned for failure to obey the orders of the said town in respect to said nuisance; and the said town of Warrenton shall make such rules and regulations as may be necessary to prevent the introduction of contagious diseases in the said town, and may make quarantine laws for that purpose and enforce the same within the said town, and may provided pesthouses when necessary; and shall have a right to prevent the slaughtering of any animal in the said town, and may regulate the keeping of markets and grocery stores, and do all and singular such things and pass such rules and regulations as shall best serve the health, comfort, and happiness of the residents of said town.

SECTION 20

That town of Warrenton may buy, own, construct, establish, maintain, and operate a system of electric lights, sewerage, and water works; and may make, regulate, and establish public wells, cisterns, hydrants, reservoirs, stations, and standpipes anywhere within the said town or beyond the limits thereof, for the use of the said town, and may make such rules and regulations as it may deem proper for the management of the said waterworks and sewer system and electric light plant. The said town may require the owners, tenants, or occupants of all property which may be located upon or near any street or alley along which may extend any sewer or system of sewerage that the said town may construct, own or control, to connect with the said sewer or system of sewerage all water-closets, privies, sinks or drains located upon their

respective property or premises, and upon a failure to do so the owner, tenant, or occupant of said property may be fined or imprisoned as provided by ordinance of said town.

SECTION 21

The said town of Warrenton may grade and improve its public streets and highways and may employ such persons as it may deem necessary for the proper construction and improvement of said streets and highways, and may pave and improve the same in such manner and with such material as the said board of commissioners of said town may in their discretion deem best, and may borrow money for such improvements, as provided in section seventeen of this charter; and it may construct such drainage and gutters along the said streets and highways and across the sidewalks and through the lands of abutting owners as the officials of the said town may deem to the best interest of the public; and, persons interfering in any way with such improvements or drainage, or with the officers or employees of the said town while at work upon the same, shall be fined for each offense not more than fifty dollars or imprisoned not more than thirty days, as provided by ordinance of the said town.

SECTION 22

The mayor and chief of the fire department and one of the board of town commissioners, or three of the said commissioners, who are present at any fire in the said town, may order the destruction of any house when it is necessary in their opinion for the arrest of the progress of the said fire, and no person shall incur any liability, civil or criminal, for obeying said order. The said board of town commissioners shall establish fire limits within the said town of Warrenton, and may regulate and prohibit the erection, building, placing, or repairing of wooden or dangerous buildings within such limits, and may prohibit the removal of any wooden or dangerous building from one place to another in the said limits or the repairing of the same; and may direct and prescribe that all buildings within said limits, when built or when they become dangerous, shall be made or constructed of fireproof material, the kind and character and the quality and dimensions to be fixed by the said rules and regulations of the said town; and may declare all buildings within the said fire limits to be nuisances when they become old, dilapidated, and dangerous, and compel the removal of same or the proper repair thereof; and may prescribe penalties and impose the same for the violation of any such rules and regulations.

SECTION 23

That the board of town commissioners may provide for the establishment, organization, and equipment and the government of a fire company or companies; and may encourage and

assist any military company or companies which are now organized or may hereafter be organized in the said town of Warrenton.

SECTION 24

That the said board of town commissioners of Warrenton may provide for and equip a graded school for the better education of the children of the said town, and may build and construct such buildings as it may deem necessary, and buy such property as it may deem necessary for the use of such graded school or other public schools now established or which may hereafter be established in the said town, and may contribute to the support and maintenance of said school out of any funds not already appropriated which may be in its hands, whenever the said board may deem it to be in the best interest of the public.

SECTION 25

The said board of town commissioners shall have power and authority to suppress gambling houses of every kind and to punish the keepers of the same; and to prohibit and punish keepers and inmates of houses of ill-fame and assignation houses; and may pass all such rules and regulations and prescribe and enforce punishment for the same, as they may deem best for the moral and upright sentiment of the said town.

SECTION 26

All property conveyed or assigned to the town of Warrenton shall be made to the “Town of Warrenton”; and all conveyances of every kind made by the said town of Warrenton or authorized in this charter shall be executed by the mayor and attested by the town secretary, with the corporate seal of the town attached thereto, with certificate provided for in section one thousand and five of Revisal of one thousand nine hundred and five.

SECTION 27

The mayor and the police officer or officers of the said town of Warrenton shall be entitled to the same fees as are now allowed or shall hereafter be allowed to justices of the peace and constables in the said State of North Carolina, and for the use of the town seal the said mayor shall be entitled to twenty-five cents, and for all certificates made by him by virtue of his office the sum of fifty cents; these fees not to apply, however, to these acts when done for the town.

All fees collected under this section shall be paid to, and become the property of, the Town of Warrenton.

(Amended March 4, 1943)

SECTION 28

Any officer of the town of Warrenton who shall, upon demand, fail to turn over to his lawful successor in office the property, books, moneys, seal, tax list, or effects of said town shall be deemed guilty of an offense, and may be indicted in the Superior Court of Warren County and fined not exceeding one thousand dollars (\$1,000) or imprisoned for not more than two years.

SECTION 29

All ordinances of the town of Warrenton not inconsistent with the provisions of this charter shall remain in full force and effect until altered, amended, or repealed by the board of town commissioners; provided, that the power to pass such ordinances under former charter or charters has not been repealed, expressly or impliedly, by the terms of this act. That this act shall be deemed a public act, and judicial notice thereof shall be taken in all courts and places, without the same having been printed and read in evidence; and in the event that any part, articles, sections, or subdivisions of this act shall be held to be unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this act, but the same shall continue and remain in full force and effect, notwithstanding such holding.

SECTION 30

All matter pertaining to the administration of the government of the town of Warrenton, and not provided for in this act, shall be governed by the laws of the State of North Carolina as contained in chapter seventy-three of the Revisal of one thousand nine hundred and five.

SECTION 31

From and after the ratification of this act the same shall be thenceforth the charter of the town of Warrenton, and all laws now constituting the charters or charter of said town and affecting the government thereof in the grants made of its corporate franchise power, except as relate to the issue of bonds for special purposes, which acts have heretofore been passed by the General Assembly of the State of North Carolina and are now upon the statue books of said state

and in which are in no way abrogated or appealed, are hereby repealed: provided, that such repeal shall not annul any ordinances, by-laws, rules or regulations of the town relating to bond issues or the granting of franchises, nor shall such repeal affect any act done or any right accruing or established, nor shall it relieve the said town of Warrenton from any obligation incurred by the said town by reason of the issuing of any bonds or assumption of any other liability.

SECTION 32

This act shall be in force from and after its ratification.

Ratified this the 5th day of March, A.D. 1915.

TITLE I: GENERAL PROVISIONS

CHAPTER 10. GENERAL PROVISIONS

CHAPTER 10: GENERAL PROVISIONS

Section

- 10.01 Title of Code**
- 10.02 Interpretation**
- 10.03 Application to future ordinances**
- 10.04 Captions**
- 10.05 Definitions**
- 10.06 Rules of interpretation**
- 10.07 Severability**
- 10.08 Reference to other sections**
- 10.09 Reference to offices**
- 10.10 Errors and omissions**
- 10.11 Official time**
- 10.12 Reasonable time; computing time**
- 10.13 Ordinances repealed**
- 10.14 Ordinances unaffected**
- 10.15 Effective date of ordinances**
- 10.16 Repeal or modification of ordinances**
- 10.17 Ordinances which amend or supplement code**
- 10.18 Section histories; statutory references**

- 10.99 General penalty**

§10.01 TITLE OF CODE

This codification of ordinances by and for the municipality of Warrenton shall be designated as the *Code of Warrenton, North Carolina*, and may be so cited.

§10.02 INTERPRETATION

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§10.03 APPLICATION TO FUTURE ORDINANCES

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§10.04 CAPTIONS

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§10.05 DEFINITIONS

(A) *General rule* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CODE, THIS CODE or THIS CODE OF ORDINANCES This municipal code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY Warren County, North Carolina

MAY The act referred to is permissive.

MONTH A calendar month

OATH An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT An officer, office, employee, commission, or department of this municipality unless the context clearly requires otherwise.

PERSON Extends to and includes person, persons, firm, corporation, partnership, trustee, lessee, or receiver. Whenever used in any clause prescribing and imposing a penalty, the terms **PERSON** or **WHOEVER** as applied to any unincorporated entity shall mean the partners or members thereof, and as applied to corporations, the officers or agents thereof.

PRECEDING or **FOLLOWING** Next before or next after, respectively.

SHALL The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION** Includes a mark when the person cannot write.

STATE The State of North Carolina.

SUBCHAPTER A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

TOWN, MUNICIPAL CORPORATION, or MUNICIPALITY The Town of Warrenton, North Carolina.

WRITTEN Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR A calendar year, unless otherwise expressed.

§10.06 RULES OF INTERPRETATION

The construction of all ordinances of this municipality shall be by the following rules, unless such construction is plainly repugnant to the intent of the legislative body or of the context of the same ordinance:

(A) **AND** or **OR**. Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) **Acts by assistants**. When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) Gender; singular and plural; tenses. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) General term. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§10.07 SEVERABILITY

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§10.08 REFERENCE TO OTHER SECTIONS

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is changed or materially altered by the amendment or revision.

§10.09 REFERENCE TO OFFICES

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this municipality exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of its functionary.

§10.10 ERRORS AND OMISSIONS

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the

text as originally published. No alteration shall be made or permitted if any question exist regarding the nature or extend of such error.

§10.11 OFFICIAL TIME

The official time, as established by applicable state and federal laws, shall be the official time within this municipality for the transaction of all municipal business.

§10.12 REASONABLE TIME; COMPUTING TIME

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day be Sunday, it shall be excluded.

§10.13 ORDINANCES REPEALED

This code, from and after its effective date, shall contain all of the provisions of a general nature pertaining to the subjects herein enumerated and embraced. All prior ordinances pertaining to the subjects treated by this code shall be deemed repealed from and after the effective date of this code.

§10.14 ORDINANCES UNAFFECTED

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code shall remain in full force and effect unless herein repealed expressly or by necessary implication.

§10.15 EFFECTIVE DATE OF ORDINANCES

All ordinances passed by the legislative body requiring publication shall take effect from and after the due publication thereof, unless otherwise expressly provided. Ordinances not requiring publication shall take effect from their passage, unless otherwise expressly provided.

§10.16 REPEAL OR MODIFICATION OF ORDINANCES

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying it when publication is required to give effect thereto, unless otherwise expressly provided.

(B) No suit, proceedings, right, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision shall be itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

§10.17 ORDINANCES WHICH AMEND OR SUPPLEMENT CODE

(A) If the legislative body shall desire to amend any existing chapter or section of this code, the chapter or section shall be specifically repealed and a new chapter or section containing the desired amendment substituted in its place.

(B) Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may appear in the text of the proposed ordinance, a caption or title shall be shown in concise form above the ordinance.

§10.18 SECTION HISTORIES; STATUTORY REFERENCES

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. *Example:* (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord.25, passed 1-1-85)

- (B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. *Example:* (N.C.G.S. §160A-11) (Ord.10, passed 1-17-80; Am. Ord. 20, passed 1-1-85)
- (2) A statutory cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. *Example:*

§39.01 PUBLIC RECORDS AVAILABLE.

This municipality shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see

N.C.G.S. §§139-1 et seq.

(C) If a section of this code is derived from the previous code of ordinances of the town published in 1963 and subsequently amended, the 1963 code section number shall be indicated in the history by

“(’63 Code, §___).”

§10.99 GENERAL PENALTY

Any person, firm, or corporation violating any of the provisions of any section or subsection of this code of ordinances for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and shall be subject to a fine not to exceed fifty dollars (\$50.00); and each day that any of the provisions of this code of ordinances are violated shall constitute a separate offense.

(N.C.G.S. §14-4(a) (’63 Code, Ch. V, §1)

Statutory reference:

For provisions concerning enforcement of ordinances, see N.C.G.S. §160A-175

TITLE VII: TRAFFIC CODE

TITLE III: ADMINISTRATION

CHAPTER

30. BOARD OF COMMISSIONERS

31. TOWN OFFICIALS

32. POLICE AND FIRE DEPARTMENTS

33. BOARDS, COMMISSIONS, AND DEPARTMENTS

34. CIVIL EMERGENCY

CHAPTER 30: BOARD OF COMMISSIONERS

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30.01 Elective officers

30.02 Oath

30.03 Power of ordinance; power over employees

30.04 Meetings

30.05 Order of business

30.06 Rules of Procedure

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30.08 Previous questions

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30.13 Resignation of members

30.14 Compensation

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30.16 Mayor Pro Tempore

30.17 Vacancies

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30.20 Officers or employees not to be pecuniarily interested in contracts

30.21 Board may consolidate offices

30.22 Extraterritorial jurisdiction boundaries

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30.35 Ordinances in force

30.36 Official copy of ordinances

30.37 Ordinances proposed

30.38 Ordinances amending

30.39 Ordinances to indicate section or chapter number amended

30.40 Repeal or ordainment of chapters or sections

§30.01 ELECTIVE OFFICERS

The Governing Body shall consist of a Mayor and a Board of Commissioners of seven members, who shall be elected in accordance with the provisions of the Charter 1915, Chapter 201, Section 6 and Ordinance passed 3-8-99.

('63 Code, Ch. A, §1)

§30.02 OATH

The Mayor and each Commissioner-elect shall, before entering upon the duties of his office, take and subscribe, before some person lawfully entitled to administer oaths, an oath or affirmation to support the Constitution of the United States and the Constitution of the State of North Carolina and the laws made pursuant thereto; and faithfully perform the duties of their office; which oath or affirmation shall be entered upon the minutes of the Board subscribed as aforesaid and attested by the officer administering the same.

('63 Code, Ch. A, §2)

§30.03 POWER OF ORDINANCE; POWER OVER EMPLOYEES.

(A) The Board shall have power to pass ordinances, resolutions or by-laws, for the better government of the town, not inconsistent with the charter or laws of the land.

('63 Code, Ch. A, §3)

(B) The Board shall have power to prescribe the duties, fix the compensation, bonds, administer oaths, and cause the removal and fill vacancies of any and all employees.

('63 Code, Ch. A, §4)

§30.04 MEETINGS.

(A) *Regular meetings.* There shall be a regular meeting of the Board, held at the Mayor's office, on the second Monday of each month. The hour of meeting shall be designated by the Mayor.

('63 Code, Ch. A, §5)

(B) *Special meetings.* A special meeting of the Board may be called by the Mayor, or by a majority of the Commissioners, to meet at such time and place as may be specified, and each member of the Board shall be duly notified of such meeting, and of its objective, and no other business shall be transacted at such meeting except that for which it is called.

('63 Code, Ch. A, §6)

(C) *Adjourned meetings.* If a quorum shall fail to attend any regular or special meeting of the Board or if for any reason such meeting shall fail to complete transaction of the business before the meeting, said meeting may be adjourned to any date prior to the next regular meeting agreed upon by a majority of the members present.

('63 Code, Ch. A, §7)

(D) *Mayor to preside.* The Mayor, when present shall preside at all meetings of the Board. In case of the absence of the Mayor, the Mayor Pro-Tempore shall preside.

('63 Code, Ch. A, §8)

§30.05 ORDER OF BUSINESS

The order of business at all regular meetings shall be as follows:

- (1) Meeting called to order
- (2) Approval of agenda as presented or modified

- (3) Corrections and/or approval of minutes of previous meetings
- (4) Public general comments (limited to 5 minutes)
- (5) New business:
 - (a) Recognition of persons to be heard
 - (b) Presentation of petitions, notices, claims
 - (c) Committee reports:
 - (i) Finance.
 - (ii) Public Safety
 - (iii) Street/Beautification
 - (iv) Water and sewer
 - (v) WWTP
 - (vi) Housing/Zoning/Historical
 - (vii) Sanitation
 - (d) Other reports
- (6) Unfinished business
- (7) Legislative action:
 - (a) Passage of ordinances
 - (b) Passage of resolutions
- (8) Other business
- (9) Announcements
- (10) Adjournment

§30.06 RULES OF PROCEDURE.

Except as otherwise provided by ordinance, the procedure of the Board shall be governed by *Robert's Rules of Order*.

('63 Code, Ch. A, §10)

§30.07 QUORUM

A simple majority of the total members of the Board shall constitute a quorum.

('63 Code, Ch. A, §11)

§30.08 PREVIOUS QUESTIONS

The previous question may be called at any time by a majority of the members present. The "ayes" and "nays" may be called for by any member.

('63 Code, Ch. A, §12)

§30.09 MOTIONS HAVING PRECEDENCE

(A) When a question is under consideration, no motion shall be received, except as follows;

- (1) To lay on the table.
- (2) To postpone to a time certain.
- (3) To postpone indefinitely.
- (4) To refer to a Committee
- (5) To amend.
- (6) To strike out or insert.
- (7) To divide.

(B) Motions for any of these purposes shall have precedence in the order named.

('63 Code, Ch. A, §13)

§30.10 MOTIONS TO ADJOURN

A motion to adjourn shall always be in order and shall be decided without debate.

('63 Code, Ch. A, §14)

§30.11 COMMITTEES APPOINTED BY MAYOR

The following regular committees together with all special committees shall, unless otherwise ordered, be appointed by the Mayor.

- (A) Finance
- (B) Public Safety
- (C) Street/Beautification
- (D) Water and Sewer
- (E) WWTP.
- (F) Housing/Zoning/Historical.
- (G) Sanitation

(H) Other committees as necessary.

('63 Code, Ch. A, §15)

§30.12 ELECTIONS BY BALLOT

All elections by the Board shall be by ballot, if required by any two members at present.

('63 Code, Ch. A, §16)

§30.13 RESIGNATION OF MEMBERS

Resignation of any member of the Board shall be in writing and such resignation shall lie on the table until the next regular meeting unless considered by unanimous consent.

('63 Code, Ch. A, §17)

§30.14 COMPENSATIONS

Each member of the Board of Town Commissioners shall, as compensation for his services as such, receive the sum set by ordinance for attendance upon each regular monthly meeting of said Board and a sum for attendance upon each special meeting of said Board; provided, no member of said Board shall receive pay for more than one special or called meeting in any one calendar month. The Mayor shall, as compensation for his services as such, receive a sum as established by ordinance from time to time.

('63 Code, Ch. A, §18)

§30.15 WHEN MAYOR VOTES

When there is an equal division of the Board upon any question, or in the election of officers, the Mayor may vote to break the tie, but shall have no vote under any other circumstances.

('63 Code, Ch. A, §19)

§30.16 MAYOR PRO TEMPORE

At the first meeting after their election the Board shall select one of their number to act as Mayor Pro Tempore during his term of office, and he shall, in case of sickness or absence of the Mayor, perform all the duties of the Mayor, and shall be compensated for his services as prescribed by the Board.

('63 Code, Ch. A, §20)

§30.17 VACANCIES

Any vacancy caused by the death, resignation or disqualification of a member of the Board, shall be filled by a majority vote of the Board.

('63 Code, Ch. A, §21)

§30.18 DISQUALIFICATIONS

If any member of the Board shall move his residence from the town, his office shall at once be declared vacant and shall be filled as provided by §30.17.

('63 Code, Ch. A, §22)

§30.19 CLAIMS AGAINST TOWN

All persons having claims against the town are required to present them in writing at the regular meeting of the Board, but the Board may consider, pass upon and audit such claims at any meeting, whether special or regular.

('63 Code, Ch. A, §29)

§30.20 OFFICERS OR EMPLOYEES NOT TO BE PECUNIARILY INTERESTED IN CONTRACTS

No member of the Board or other officer or employee shall be pecuniarily interested, directly or indirectly, in any contract made or entered into by the Board, nor in any matter where the rights or liabilities of the town are, or may be, involved.

('63 Code, Ch. A, §30)

§30.21 BOARD MAY CONSOLIDATE OFFICES

The Board may in their discretion consolidate any two or more offices and assign the duties of both offices to one or more persons.

('63 Code, Ch. A, §31)

§30.22 EXTRATERRITORIAL JURISDICTION BOUNDARIES.

The Board of Commissioners will exercise jurisdiction over an area approximately one mile outside the limits of the town, as shown on a map on file in the town hall, Market and Bragg Streets, Warrenton, and more specifically described as follows:

Beginning at junction of State Road 1600 and a private road which leads to Edgerton Boarding Home, thence in a northeasterly direction on a straight line from the point where NC Highway 58 crosses Possumquarter Creek, thence following Possumquarter Creek northward until it intersects with State Road 1325, thence west in a straight line to junction of State Road 135 and State Road 1364, thence following State Road 1364 and continuing beyond where road makes a turn in a straight line to junction of US 158 and 401 and a private road at Catholic Church, thence southwest in a straight line to junction of State Road 1118 and State Road 1107, thence south in a straight line to junction of State Road 1001 and a private road opposite the Endicott home thence south to junction with Fishing Creek, thence follow Fishing Creek in southeasterly direction to approximately 1300 feet beyond where Fishing Creek crosses under US 401, thence in an easterly direction to point of origin.

(Ord. passed - -)

UPDATED ---

ORDINANCES

§30.35 ORDINANCES IN FORCE.

Every ordinance shall be in force immediately upon its passage or stated effective date.

('63 Code, Ch. A, §23)

§30.36 OFFICIAL COPY OF ORDINANCES

This code, which shall at all times be kept up to date by the Town Clerk, shall be the official code of the town.

('63 Code, Ch. A, §24)

§30.37 ORDINANCES PROPOSED

Every ordinance amending or repealing any ordinance, and every new ordinance shall be proposed in writing, signed by the Commissioner presenting the same, and approved as to form by the Town Attorney.

('63 Code Ch. A §25)

§30.38 ORDINANCES AMENDING

If the Board shall desire to amend any existing article or section of this code, said article or section shall be specifically repealed, and a new article or section, containing the desired amendment, substituted, substituted in its place.

('63 Code, Ch. A, §26)

§30.39 ORDINANCES TO INDICATE SECTION OR CHAPTER NUMBER AMENDED

Any ordinance which is proposed to add to the existing code a new chapter or section shall indicate, with reference to the arrangement of this code, the proper number of such chapter or section. In addition to such indication thereof as may be contained in the text of such proposed ordinance, the same shall be shown in concise form above the ordinance.

('63 Code, Ch. A, §27)

§30.40 REPEAL OR ORDAINMENT OF CHAPTERS OR SECTIONS

Not more than one chapter or section of the code shall be amended, repealed or ordained by any one ordinance, unless such chapters or sections are consecutive.

('63 Code, Ch. A, §28)

CHAPTER 31: TOWN OFFICIALS

Section

- 31.01 Mayor**
- 31.02 Clerk and Treasurer**
- 31.03 Tax Collector**
- 31.04 Attorney**
- 31.05 Town Administrator**
- 31.06 Director of the Water and Sewer Department**

§31.01 MAYOR

(A) *Chief executive of town.* The Mayor shall be chief executive of the town, and as such shall have general supervision over all employees and departments of the town.

(B) *Duties.* It shall be the duty of the Mayor to:

- (1) Keep himself informed as to the town’s business.
- (2) Preside over the meetings of the Board.
- (3) Sign all contracts, franchises, or paper writings authorized by the Board.
- (4) Appoint such Committees and outline their powers and duties as he deems necessary to properly care for the affairs of the town.
- (5) Have supervision over and control of the several departments or officers of the town government.
- (6) Make such recommendations as he deems necessary or expedient to the Board.
- (7) Supply the Board with any necessary information respecting any of the several departments under his control.

(’63 Code, Ch. B, Art. I)

§31.02 CLERK AND TREASURER

(A) *Election.* At the first meeting of the Board after their election and qualification, or as soon thereafter as possible, they shall elect a Clerk and Treasurer.

(B) *Duties.* It shall be the duty of the Clerk and Treasurer to:

- (1) Act as clerk to the Board, and as such, keep a complete and accurate account of all proceedings of all meetings in a book especially provided for this purpose by the Board.
- (2) Receive and faithfully keep moneys which he shall receive on behalf of the town.
- (3) Keep an accurate account of all moneys deposited with him or by him and disbursed by him for the town.
- (4) Supply the Board with such information as they may require of him relative to finances.
- (5) Make a monthly report to the Board, of all receipts and disbursements of funds of the town.
- (6) Honor all orders drawn on him signed by the Mayor and Chairman of the Finance Committee, attested by the Clerk and under the seal of the town, and for which purpose an appropriation has been made, that are presented to him.

('63 Code, Ch. B, Art. II)

§31.03 TAX COLLECTOR

(A) *Election.* At the first meeting of the Board, after their election and qualification, or as soon thereafter as possible, they shall elect a Tax Collector.

(B) *Duties.* It shall be the duty of the Tax Collector to:

- (1) Collect all taxes due in town.
- (2) Make an accounting to the Treasurer at the end of each week.
- (3) Pay over to the Treasurer such moneys as are collected by him for the account of each separate fund according to the tax levy.
- (4) Report to the Board monthly on receipts and disbursements.
- (5) Deliver a list of all unpaid taxes with the reason therefore as ascertainable to the Board.
- (6) Act as accountant of the town's books and give regular audits.

- (7) Supply the Mayor and Board with such information as they may require of him relative to his department.
- (8) Do such other and further acts as the Board may require.

('63 Code, Ch. B, Art. III)

___ AMENDED ___ Contract with County to collect taxes.

§31.04 ATTORNEY

(A) *Election.* At the first meeting of the Board after their election and qualification or as soon thereafter as possible, they shall elect a Town Attorney.

(B) *Duties.* It shall be the duty of the Town Attorney to:

- (1) Prosecute for and defend suits against the town.
- (2) Advise the Mayor, Board, or any other officer of the town in regard to matters connected with the town's business.
- (3) Attend meetings of the Board, when requested to do so by them.
- (4) Draw such deeds, contracts, bonds, notes and other legal papers as may be required for the proper conduct of the town's business.
- (5) Draw all ordinances granting franchises.
- (6) Approve all ordinances as to form before their introduction.

('63 Code, Ch. B, Art. IV)

§31.05 TOWN ADMINISTRATOR

(A) Statement of policy.

- (1) Inasmuch as the Town Administrator is responsible for the administration of all departments of the town government which the Mayor and Board Commissioners have the authority to control, it is essential and necessary to efficient operation of the town government that the Board of Commissioners and the members thereof conduct and channel all administrative services of the town through the Town Administrator. It is important that every Board member shall refrain from transacting town administrative responsibilities except through the Town Administrator. Notwithstanding, nothing in this policy shall be intended to curtail or restrain any member of the Board from making his or her own investigation of

the town departments, functions and problems, nor in keeping himself informed to the best of his ability as to town operation, as required by law and necessary to the proper discharge of his duties.

- (2) The Town Administrator shall refrain from making policy, and shall refrain from making any statements to the public or the press concerning policy or controversial matters. He shall, in all such instances, refer the matter to the Mayor and Board of Commissioners. Good communication between the Board and the Town Administrator is essential to orderly and efficient administration.

(B) *Term of office; compensation.* The Town Administrator shall hold office at the pleasure of the Mayor and Board of Commissioners and shall be entitled to such reasonable compensation for his services as the Board may determine.

(C) *Responsibilities and duties.* The Town Administrator shall have the following specific responsibilities and duties:

- (1) As chief administrative officer of the town government, he shall be responsible to the Board for the effective and efficient management of the town.
- (2) To see that all orders, resolutions, ordinances, regulations, and policies of the Board are faithfully executed.
- (3) To make arrangements and plans for all meetings, regular and special, and to attend and take minutes of all such meetings. He will also be required to attend out-of-town meetings relative to his administrative duties. If he has not already done so, he shall be required to attend the training session for Town Administrators at the Institute of Government at Chapel Hill or its equivalent, as soon as possible after employment.
- (4) To direct and supervise the administration of each department and coordinate their activities. To keep the Board informed of these departments, which the Board has the authority to control. To make reports as required by the Board to insure that the Commissioners are fully informed at all times as to the affairs of the town, monthly financial statement, its future needs, and to prepare the annual budget.
- (5) He shall have the authority to employ and dismiss employees of the town, except department heads, which shall be left to the discretion of the Board.
- (6) The Town Administrator shall be authorized to purchase necessary operating supplies and equipment not to exceed \$50 without approval from the Committee Chairman.

- (7) He may recommend policies and procedures to the Board for adoption when, in his opinion, the inauguration of such policies and/or procedures would promote efficiency and economy in town government.
- (8) He shall perform such other duties as may be assigned to him by the Mayor and Board of Commissioners.

(D) *Relation to Charter.* This section or any part thereof shall not be interpreted so as to repeal, alter or modify the requirements of the Charter relating to the power and authority granted thereunder to the Mayor or Board of Commissioners.

('63 Code, Ch. B, Art. VIII) (Am. Ord. passed - -75; Am. Ord. passed 12-12-77)

§31.06 DIRECTOR OF THE WATER AND SEWER DEPARTMENT

(A) *Election.* At the first meeting of the Board, or as soon thereafter as practicable, they shall elect a Director of the Water and Sewer Department.

(B) *Duties.* It shall be the duty of the Director of the Water and Sewer Department to:

- (1) Perform the duties assigned to the Building Inspector.
- (2) Act as Superintendent of the water works system of the town, and as such maintain the Department as set out in Chapter 51 of this code.
- (3) Do such other and further acts as the Board may require.

('63 Code, Ch. B, Art. VII)

CHAPTER 32: POLICE AND FIRE DEPARTMENTS

Section

Police Department

- 32.01 Mayor executive head; general supervision**
- 32.02 Chief of Police**
- 32.03 Authority to summon aid**
- 32.04 Duties of police officers**
- 32.05 Time off**
- 32.06 Uniforms**
- 32.07 Compensation of officers**
- 32.08 Special policemen**
- 32.09 Interference with police**

Fire Department

- 32.20 Chief of the Fire Department**
- 32.21 Chief to investigate cause of every fire**
- 32.22 Record of fires to be kept**
- 32.23 Inspections to be made**
- 32.24 Chief to order fire hazards remedied**
- 32.25 Right to enter a building or premises**
- 32.26 Persons to assist in extinguishing fires**
- 32.27 Persons not to interfere**
- 32.28 Protection of fire hose**
- 32.29 Fire companies**
- 32.99 PENALTY FOR VIOLATION OF FIRE CODE**

Police Department

§32.01 MAYOR EXECUTIVE HEAD; GENERAL SUPERVISION.

The Mayor shall be the executive head of the Police Department and together with the Chief of Police and such other employees as the Board of Commissioners may deem necessary, shall constitute the Police Department.

('63 Code, Ch. F §1)

The Mayor shall have general control of the Police Department and may at any time for cause suspend from duty any member of the police force.

('63 Code, Ch. F, §2)

§32.02 CHIEF OF POLICE

(A) At the first meeting of the Board after their election and qualification or as soon thereafter as possible, they shall elect a Chief of Police. ('63 Code, Ch. B, Art. V, §1)

(B) The Chief of Police shall have the following duties:

- (1) The Chief shall be on call 24 hours a day.
- (2) He shall be in charge of all other police officers and civilian employees attached to the Police Department.
- (3) He shall make up a schedule so that each officer shall serve a tour of equal duty. This schedule shall include an officer on duty at the Mariam Boyd School in the morning and afternoon. Schedule of duty shall be posted in the police headquarters at all times and a copy on file with the Town Clerk.
- (4) Assist in the collection of delinquent taxes and other accounts due the town.
- (5) Answer all fire calls, and with the assistance of the officer on duty, make every effort to prevent unauthorized traffic into the area.
- (6) See that the conduct of every person in the department is of the highest caliber, reporting to the Mayor any irregularity noted.

('63 Code, Ch. B, Art. V, §2)

(C) The Chief of Police, subject to the Mayor, shall have charge of the police force and as such shall assign duties to the police officers as he thinks best for the good order of the town and shall be responsible to the Mayor in seeing that the officers faithfully perform their duties.

('63 Code, Ch. F, §3)

§32.03 AUTHORITY TO SUMMON AID

The Chief of Police or any police officer of the town shall have authority, if resisted in the execution of their lawful duties, to summon a sufficient number of persons to aid them in enforcing the law; and it shall be unlawful for any person so summoned to refuse to assist the Chief of Police or other officers.

('63 Code, Ch. F, §4)

§32.04 DUTIES OF POLICE OFFICERS

(A) It shall be the duty of all officers to:

- (1) To see that no persons other than police officers or authorized persons operate or use any telephone, radio system, motor vehicle, or any other equipment of the Police Department.
- (2) To make a complete check of all parked automobiles on streets every hour from 9 a.m. to 5 p.m. for parking violations, and be especially watchful for other traffic violations at all times.
- (3) To be on alert at all times while on duty to see that the laws of the town and state are enforced.
- (4) To be available to perform or assist in any special duty upon order of Mayor or Chief of Police, whether or not such duty falls within regular tour of duty.

('63 Code, Ch. B, Art. V, §2)

- (5) Especially preserve public peace, prevent crimes, detect and arrest offenders, suppress riots and unlawful gatherings which obstruct the free passage of public streets, sidewalks, parks and public places.
- (6) Protect the rights of persons and property.
- (7) Guard the public health.
- (8) Preserve order at elections and all public meetings and assemblages.
- (9) Regulate the movements of teams and vehicles in the streets, bridges, parks, public squares and highways.
- (10) Arrest all street mendicants and beggars.
- (11) Provide proper police attendance at fires.

- (12) Carefully observe and inspect all places of public amusement; all places of business having license to carry on such business and to suppress and restrain all unlawful and disorderly conduct or practices therein.
- (13) Enforce penalties for the violation of laws and ordinances in the town.
- (14) Arrest all persons guilty of violating any law or ordinance.
- (15) Prevent as far as possible any injury to property and buildings, streets and sidewalks.
- (16) Report to the Chief of Police any repairs needed to any public property.
- (17) Serve all processes issued to them.
- (18) Summon as many persons as may be necessary to assist them in the duties herein outlined.
- (19) Perform any and all other duties that may be assigned to them either by the Board, Mayor or Chief of Police.

(’63 Code, Ch. F, §8)

§32.05 TIME OFF

- (A) Each officer shall have one day off a week.
- (B) Each officer shall have vacation during the year with pay per personnel manual.
- (C) Each officer shall have ten days sick leave per year with pay.
- (D) Sick leave in excess of ten days must be approved by the Mayor or Police Committee.
- (E) The weekly days off and the annual vacation shall not be cumulative.

(’63 Code, Ch. B, Art. V, §4)

§32.06 UNIFORMS

The Chief of Police and other police officers shall when on duty wear such uniforms as shall be prescribed by the Board of Commissioners and shall keep the same in a neat condition and upon discharge or resignation or dismissal, surrender such uniforms when the same shall have been purchased by the town for their use, and it shall be the duty of the Chief of Police to see that the force presents a neat and respectable appearance. Any member of the police force designated or employed for limited or special duty, or anyone working generally as a detective or doing detective work, need not be clad in a uniform unless specially directed by the Chief of Police to wear a uniform.

('63 Code, Ch. F, §6)

Uniforms of each officer shall be furnished by the town. A clothing allowance will be set up each year in the budget for the purchase of clothing as approved by the Board of Commissioners

('63 Code B, Art. V, §5)

§32.07 COMPENSATION OF OFFICERS

The police officers shall receive as compensation such sums as shall be fixed by the Board.
('63 Code, Ch. F, §7)

§32.08 REPEALED OCTOBER 11, 2010

§32.09 INTERFERENCE WITH POLICE

It shall be unlawful for any person to interfere with, hamper, molest, resist or hinder a police officer in the lawful discharge of his duty.

('63 Code, Ch. F, §5)

FIRE DEPARTMENT

§32.20 FIRE DEPARTMENT

The town shall by contract provide fire suppression services.

(Ord. amended 10-11-2010)

§32.21 REPEALED OCTOBER 11, 2010

§32.22 REPEALED OCTOBER 11, 2010

§32.23 INSPECTIONS TO BE MADE

The town shall cause to be inspected all buildings as set forth in a schedule according to the State of North Carolina Fire Prevention Code 2012 Edition. The town shall require each building owner to pay an inspection fee for said inspection within 30 days of the inspection. The fee shall be determined based on the size and use of said building as follows:

- 1. Commercial Business
 - Up to 5000 sq. ft. \$50.00
 - 5001 to 10000 sq. ft. \$75.00
 - Over 10000 sq. ft. \$100.00
- 2. Mixed Occupancy
 - Occupant \$25.00
 - Common Area \$25.00
- 3. Accessory Buildings \$40.00
- 4. Mandated Inspections
 - Rest Homes \$100.00
 - Day Cares \$50.00
 - Family Care Homes \$50.00
 - Foster Care Homes \$25.00
 - Schools \$100.00
 - Churches \$50.00
- 5. Fireworks Display \$25.00
- 6. Tents \$20.00
- 7. Flammable Storage Tanks \$40.00
- 8. Hazardous Explosive \$50.00
- 9. Re-inspections
 - First re-inspection No charge
 - Second re-inspection \$25.00
 - Three or more re-inspections \$50/each

(Ord. amended 3-15-2016)

§32.24 TO ORDER FIRE HAZARDS REMEDIED

(A) The town by its designee shall find that any building or any premises constitutes a fire hazard, he shall serve or cause to be served upon the owner and the occupant of such building a written notice specifying the condition complained of, ordering the same to be remedied promptly, and indicating what is considered a reasonable time for compliance with such order.

('63 Code, Ch. I, Art. I, §7) (Ord. amended 10/11/2010)

(B) The service of any such order may be made upon the occupant of the premises to whom it is directed either by delivering a copy of the same to and leaving it with any person in charge of such premises or in case that any such person if not found upon such premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. In case the owner of such premises is some person other than the occupant thereof, service of such notice may be made by delivering a copy of such notice to such owner personally or by mailing such copy to his last known address. If the occupant or owner is a partnership, service upon any partner shall be sufficient; and if a corporation, upon any local agent thereof.

('63 Code, Ch. I, Art. I, §8)

(C) It shall be unlawful for any occupant or any owner of any such building or premises to fail to comply within a reasonable time after the service of such order with the requirements thereof.

('63 Code, Ch. I, Art. I, §9)

§32.25 RIGHT TO ENTER A BUILDING OR PREMISES

The town by its designee shall have the right to enter any building or premises, at any reasonable hour, for the purpose of making an inspection.

('63 Code, Ch. I, Art. I, §10) (Revised 10/11/2010)

§32.26 REPEALED OCTOBER 11, 2010

§32.27 REPEALED OCTOBER 11, 2010

§32.28 REPEALED OCTOBER 11, 2010

§32.29 REPEALED OCTOBER 11, 2010

§32.99 PENALTY FOR VIOLATION OF FIRE CODE

(A) Every Business found violating the fire code herein described shall be subject to the civil penalty designated as follows:

1. Approved Fire Evacuation Plan Required and Posted	\$25.00
2. Street Address Not Posted	\$25.00
3. Street Address Not Visible	\$25.00
4. Key Boxes	\$50.00
5. Breach in Fire Wall/Fire Stops	\$100.00
6. Fire/Exit Door Inoperative	\$250.00
7. Fire Alarm Needs Testing	\$50.00
8. Sprinkler or Fire Alarm Inoperable	\$250.00
9. Sprinkler/Standpipe Not Complying With Code	\$100.00
10. Sprinkler Head Blocked/Covered (Immediate)	\$500.00
11. Portable Fire Extinguishers	\$50.00
12. Overcrowding (Immediate)	\$250.00
13. Maximum Occupancy Load Certificate Not Posted	\$25.00
14. Blocked Stairwells or Stairways	\$500.00
15. Blocked Means of Egress	\$500.00
16. No Required Exit Directional Signs	\$50.00
17. Exit Illumination and Marking	\$50.00
18. Locked Exit Door (Immediate)	\$500.00
19. Exit or Egress Door Needs Repair	\$50.00
20. Fire Exit or Aisle Blocked	\$500.00
21. Spray Booth Not Complying to Code	\$100.00
22. All Other Code Violations	\$50.00
23. Illegal Burning	\$250.00

(Ordinance Amended 3-15-2016)

CHAPTER 33: BOARDS, COMMISSIONS, AND DEPARTMENTS

Section

Planning Board

33.01 Membership and vacancies

33.02 Communications, rules, meetings and records

33.03 General powers and duties

33.04 Annual report of activities; analysis of expenditures and budget request

33.05 Advisory council and special committees

PLANNING BOARD

§33.01 MEMBERSHIP AND VACANCIES

The Planning Board shall consist of seven members. Four members shall be citizens and residents of the town and shall be appointed by the Board of Commissioners; three members shall be citizens and residents of the territory surrounding the town, as described in N.C.G.S. §160A-362, and shall be appointed by the Board of Commissioners. The outside representatives shall have equal rights, privileges, and duties with the other members of the Planning Board, regardless of whether the matters at issue arise within the town or within the extraterritorial area. Four of the initial members shall be appointed for a term of two years, and three for four years. The Chairman of the Town Committee of Future Planning and Public Relations shall serve as an ex officio member of the Planning Board. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. Faithful attendance at the meetings of the Board is considered a prerequisite for the maintenance of membership on the Board.

(Ord. passed 10-16-72)

§33.02 COMMUNICATIONS, RULES, MEETINGS AND RECORDS

Within 30 days after appointment the Planning Board shall meet and elect a Chairperson and create and fill such offices as it may determine. The term of the Chairperson and other officers shall be one year, with eligibility for re-election. The Board shall adopt rules for transaction of

its business and shall keep a record of its members' attendance and of the resolutions, discussions, findings, and recommendations, which record shall be a public record. The Board shall hold at least one meeting monthly, unless the meeting is canceled by the Chairperson, and all of its meetings shall be open to the public. The Board shall hold at least one meeting annually jointly with the Board of Commissioners. There shall be a quorum of five members for the purpose of taking any official action required by this subchapter.

(Ord. passed 10-16-72)

§33.03 GENERAL POWERS AND DUTIES

(A) It shall be the duty of the Planning Board, in general, to:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the Commissioners concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Commissioners may direct;
- (7) Perform any other related duties that the Commissioners may direct.

(B) The Planning Board may conduct such public hearings as may be required to gather information necessary for the drafting, establishment, and maintenance of the comprehensive plan. Before adopting any such plan it shall hold at least one public hearing thereon.

(C) The Planning Board shall have power to promote public interest in and an understanding of its recommendations, and to that end it may publish and distribute copies of its recommendations and may employ such other means of publicity and education as it may determine.

(D) Members or employees of the Planning Board, when duly authorized by the Planning Board, may attend planning conferences or meetings of planning institutes or hearings upon pending planning legislation, and the Planning Board may, by formal and affirmative vote, pay, within the Planning Board's budget, the reasonable traveling expenses incident to such attendance.

(Ord. passed 10-16-72)

§33.04 ANNUAL REPORT OF ACTIVITIES; ANALYSIS OF EXPENDITURES AND BUDGET REQUEST

(A) The Planning Board shall, before April 30 of each year, submit in writing to the Board of Commissioners a written report of its activities, an analysis of the expenditures to date for the current fiscal year, and, for review and approval, its requested budget of funds needed for operation during the ensuing fiscal year.

(B) The Planning Board is authorized to receive contributions from private agencies and organizations or from individuals, in addition to any sums which may be appropriated for its use by the Board of Commissioners. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approved budget.

(C) The Planning Board is authorized to appoint such committees and employees, and to authorize such expenditures, as it may see fit, subject to limitations of funds provided for the Planning Board by the Board of Commissioners in the town's annual budget.

(Ord. passed 10-16-72)

§33.05 ADVISORY COUNCIL AND SPECIAL COMMITTEES

(A) The Planning Board may seek the establishment of an unofficial advisory council and may cooperate with this council to the end that its investigations and plans may receive fullest consideration, but the Board may not delegate to such advisory council any of its official prerogatives.

(B) The Planning Board may set up special committees to assist it in the study of specific questions and problems.

(Ord. passed 10-16-72)

CHAPTER 34: CIVIL EMERGENCY

Section

Police Department

34.01 Proclamation Imposing Prohibitions and Restrictions

34.02 Curfew

34.03 Restrictions on possession, consumption, or transfer of intoxicating liquor

34.04 Restrictions on possession, transportation, and transfer of dangerous weapons and substances

34.05 Restrictions on access to areas

34.06 Amendments of the proclamation

34.07 Removal of prohibitions and restrictions

34.08 Separate and superseding proclamations

34.09 Proclamation imposing restrictions on assemblies

34.99 Penalty

§34.01 PROCLAMATION IMPOSING PROHIBITIONS AND RESTRICTIONS

(A) The Mayor by proclamation may impose the prohibitions and restrictions specified in §§34.02 through 34.05 of this chapter in the manner described in those sections. The Mayor may impose as many of these specified prohibitions and restrictions as he finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Mayor shall recite his findings in the proclamation.

(B) The proclamation shall be in writing. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the Town Hall. The Mayor shall retain a text of the proclamation and furnish upon request certified copies of it for use as evidence.

('63 Code, Ch. B, Art. IX, §1)

§34.02 CURFEW

(A) The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor by proclamation removes the curfew.

('63 Code, Ch. B, Art. IX, §2)

§34.03 RESTRICTIONS ON POSSESSION, CONSUMPTION, OR TRANSFER OF INTOXICATING LIQUOR

(A) The proclamation may prohibit the possession or consumption of any intoxicating liquor, beer and wine, other than on one's own premises, and may prohibit the transfer of any intoxicating liquor. The prohibition, if imposed, shall apply to transfers of intoxicating liquor by employees of Alcoholic Beverage Control stores as well as by anyone else within the town.

(B) If imposed, the restrictions shall apply throughout the town.

('63 Code, Ch. B, Art. IX, §3)

§34.04 RESTRICTIONS ON POSSESSION, TRANSPORTATION, AND TRANSFER OF DANGEROUS WEAPONS AND SUBSTANCES

(A) The proclamation may prohibit the possession of any dangerous weapon or substance unless it remains in a place of storage within the possessor's premises, or, if the weapon or substance cannot be readily stored in the possessor's premises, unless it remains in a customary place of storage not readily available to the possessor. The proclamation may also prohibit the sale or other transfer or the transportation of any dangerous weapon or substance. The Mayor may exempt from some or all of the restrictions classes of people whose possession, transfer or transportation of certain dangerous weapons or substances is necessary to the preservation of the public health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

(B) For the purpose of this section, *DANGEROUS WEAPON OR SUBSTANCE* means:

- (1) Any deadly weapon, ammunition, incendiary device, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.
- (2) Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so destructively used.
- (3) Any part or ingredient in any instrument or substance included above.

(C) If imposed, the restrictions shall apply throughout the jurisdiction of the town.

('63 Code, Ch. B, Art. IX, §4)

§34.05 RESTRICTIONS ON ACCESS TO AREAS

(A) The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

(B) Areas to which access is denied or restricted shall be designated by the Chief of Police and his subordinate when directed in the proclamation to do so by the Mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, or location within the town if that restriction or denial or access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

('63 Code, Ch. B, Art. IX, §5)

§34.06 AMENDMENTS OF THE PROCLAMATION

The Mayor may amend the proclamation from time to time, making such modification as he would have been authorized to include in the original proclamation.

('63 Code, Ch. B, Art. IX, §6)

§34.07 REMOVAL OF PROHIBITIONS AND RESTRICTIONS

The Mayor shall by proclamation remove the prohibitions and restrictions as the emergency no longer requires them, or when directed to do so by the Board of Town Commissioners.

('63 Code, Ch. B, Art. IX, §7)

§34.08 SEPARATE AND SUPERSEDING PROCLAMATIONS

The Mayor in his discretion may invoke the restrictions authorized by this chapter in separate proclamations, and may amend any proclamation by means of a superseding proclamation.

('63 Code, Ch. B, Art. IX, §8)

§34.09 PROCLAMATION IMPOSING RESTRICTIONS ON ASSEMBLIES

(A) *Proclamation.*

- (1) The Mayor by proclamation may prohibit assemblies of three or more persons in specified geographic areas of the town after he finds that any such assemblies constitute a clear and present danger of prolonging or aggravating an existing emergency which endangers lives, safety, and property. The Mayor shall take reasonable steps to give notice of the terms of the proclamations to those affected by it, and shall post a copy of it in the Town Hall. The Mayor shall retain a text of the proclamation and upon request shall furnish certified copies of it for use as evidence.
- (2) The proclamation shall specify the geographical area or areas in which the restrictions apply.
- (3) The Mayor may amend the proclamation from time to time, making such modifications in the geographical area or areas to which it applies as he determines to be necessary to maintain the purposes of the prohibition.
- (4) The Mayor shall by proclamation remove the prohibition when the emergency no longer requires it, or when directed to do so by the Board of Commissioners.

(B) *Dispersal of prohibited assemblies.* Any police officer may order any assembly prohibited by proclamation authorized by this section to disperse.

('63 Code, Ch. B, Art. X, §§1, 2)

§34.99 PENALTY

Any person violating any prohibition or restriction imposed by a proclamation authorized by this chapter, or any member of an assembly ordered to disperse by a police officer acting under authority of §34.09, shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding \$50 or imprisonment not exceeding 30 days, as provided by N.C.G.S. 14-4.

('63 Code, Ch. B, Art. IX, §9; Ch. B, Art. X, §3)

TITLE V: PUBLIC WORKS

CHAPTER

CHAPTER 50: GARBAGE

APPENDIX: GARBAGE PICKUP EXEMPTION FORM

CHAPTER 51: WATER AND SEWERS

CHAPTER 50: GARBAGE SERVICE

Section

50.01 Garbage pickup schedule

50.02 Garbage pickup exemption

50.99 Penalty

Appendix: Garbage pickup exemption form

§50.01 GARBAGE PICKUP SCHEDULE

Garbage pickup is as follows: for all homes will be once a week on a schedule that may change periodically. The Town will pick up household and light business as defined by a maximum of four garbage cans weekly. Each can shall be of no more than 50 gallons. More than four cans per week is considered commercial and the resident or business owner will be required to obtain commercial pickup service; in such cases the resident or business will be exempt from the monthly Town garbage pickup fee. The streets portion of the sanitation fee shall continue to be owed and collected for all.

The Town garbage crew will pick up all normal household items including paper and boxes; all garbage must be bagged. However, the Town will not pick up items such as: furniture; carpet or flooring material; insulation; construction materials; old wood and the like; used oil and oil filters; antifreeze; white goods --refrigerators, air conditioners, freezers and the like; aluminum cans; plastic bottles; whole scrap tires; lead acid batteries; animal parts; and radioactive or other clearly hazardous waste. The Town does pick up leaves and yard debris with a separate policy and schedule.

(Ord. revised 10-11-2010)

§50.02 GARBAGE PICKUP EXEMPTION

Garbage pickup exemption will be approved for those persons, firms or corporations who apply and qualify. Exemptions may be approved by the Town Administrator and will remain in effect for as long as those persons, firms or corporations produce a commercial volume of garbage. To receive an exemption the applicant must be served by a private waste hauler or served by the owner or tenant with proof that their monthly tipping fees exceed the existing

monthly garbage pick up fee. Charges will not include costs for those items the Town garbage crew will not normally pick up.

(Ord. revised 10-11-2010)

§50.99 PENALTY

Any person, firm or corporation violating the provisions of this chapter shall pay a civil penalty in the amount of \$250 to the town within 72 hours after receiving a citation for violation. Any unpaid civil penalties shall be collected by means of a civil action in the nature of debt. Violation of this chapter shall not constitute a misdemeanor or infraction punishable under N.C.G.S. §14-4.

(Ord. passed 2-8-99)

APPENDIX: GARBAGE PICKUP EXEMPTION FORM

NAME: _____

ADDRESS: _____

TELEPHONE: DAY _____ NIGHT _____

ADDRESS FOR WHICH EXEMPTION IS BEING REQUESTED

WATER ACCOUNT AND LOCATION NO. _____

REASONS FOR REQUESTED EXEMPTION

_____ 1. Property served by a private waste hauler (attach current invoice or copy of contract with hauler.)

_____ 2. Property served by owner or tenant therefore relinquishing all liability from the town for weekly collection. (Provide proof of monthly tipping fees paid which must exceed the monthly garbage pickup fee. These monthly tipping fees must not include charges for Transfer Station prohibited items which include: used oil & filters; antifreeze; white goods (refrigerators, air conditioners, freezers, and the like); aluminum cans; whole scrap tires; lead acid batters; yard waste (leaves, branches dirt, and the like); radioactive or other clearly hazardous waste; or furniture; carpet/flooring; insulation and; construction materials.)

THE UNDERSIGNED HEREBY AGREES TO THE FOLLOWING:

I understand that any incorrect information provided above may result in a fine up to \$250.

SIGNED _____ DATE _____

CHAPTER 51: WATER AND SEWER SERVICE

Section

General Provisions

- 51.001** Pertinent provisions part of contracts
- 51.002** Laterals to be laid only to inside of curb
- 51.003** Extension of laterals
- 51.004** Prohibited discharges into sewers
- 51.005** Injury to sewers prohibited
- 51.006** Use of town water for air conditioning purposes

Connections and Meters

- 51.020** Connections to be made within thirty days after mains ready for use
- 51.021** Connections to be made only by town
- 51.022** Connection to be made only upon application
- 51.023** Application for connections; fee
- 51.024** Construction of connections
- 51.025** Sewer connections to be made where openings provided
- 51.026** Separate connection required
- 51.027** Connections and meters property of town; maintenance of meters
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- 51.040** Classes of service; water for consumers outside of town
- 51.041** Schedules of water rates; tapping fees
- 51.042** Deposit to be made by tenants

- 51.043 Meter reading; bills
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GENERAL PROVISIONS

§51.001 PERTINENT PROVISIONS PART OF CONTRACTS

All pertinent provisions of this chapter are hereby made a part of the term and conditions whereby the town furnishes sewer or water service to any person, or whereby the town makes any sewer or water connections or performs any work of any kind of connection with the furnishing of sewer or water service.

('63 Code, Ch. Q, Art. I, §1)

§51.002 LATERALS TO BE LAID ONLY TO INSIDE OF CURB

Water or sewer laterals laid as a part of any water or sewer main improvement shall be laid only to the inside of the curb unless in the resolution ordering the improvement the Board specifically directs otherwise.

('63 Code, Ch. Q, Art. I, §2)

§51.003 EXTENSION OF LATERALS

After laterals are laid from water or sewer mains to the inside of the curb, no such lateral shall be extended to the property line until the owner or occupant of the property to be served thereby applies therefore.

('63 Code, Ch. Q, Art. I, §3)

§51.004 PROHIBITED DISCHARGES INTO SEWERS

No person shall pour, throw or discharge any substance, either solid or liquid, into any sanitary or storm sewer at any manhole or at any opening therein other than a sewer connection; nor shall any person discharge into any sanitary or storm sewer any substance likely to obstruct or to cause undue injury to the same or any substance of such high causticity or of a sufficiently acid nature to interfere materially with the equipment used in connection therewith.

('63 Code, Ch. Q, Art. I, §14) Penalty, see §10.99

§51.005 INJURY TO SEWERS PROHIBITED

No person shall obstruct, break, remove or otherwise injure any portion of any manhole, flush-tanks, or other part of any public sanitary or storm sewer.

('63 Code, Ch. Q, Art. I, §14) Penalty, see §10.99

§51.006 USE OF TOWN WATER FOR AIR CONDITIONING PURPOSES

All persons, firms or corporations installing any size air conditioning system using water shall before making any installation apply for and receive a permit from the proper authorities of the town. Air conditioning systems of more than five tons capacity shall be equipped with water conservation devices and shall not use more than .2 gallons of water per minute per ton. The Superintendent of Water may order equipment to be separately metered if he ascertains that the system is using more than the allotted amount. All ordinances in conflict herewith, to the extent of such conflict, are hereby repealed.

('63 Code, Ch. Q, Art. I, §16)

CONNECTIONS AND METERS

§51.020 CONNECTIONS TO BE MADE WITHIN THIRTY DAYS AFTER MAINS READY FOR USE

Within 30 days after the time when any water main in any street is completed and ready for use, the owner of every abutting lot whereon water is supplied for any human use shall cause such lot to be connected with such water main; and within 30 days after the time when any sewer main in any street is completed and ready for use, if a water main has been installed in such street, the owner of any abutting lot having thereon improvements for human occupancy, shall cause a watercloset and sink to be installed and to be connected with such sewer main, and shall cause all other sewer facilities within such improvements, if any, to be connected with the sewer

main; provided, however, that the owner of the premises shall be notified in writing by the town of the installation of such water main or the installation of such sanitary sewer, and shall be allowed 30 days after such written notice within which to make the required connection or connections.

('63 Code, Ch. Q, Art. I, §4)

§51.021 CONNECTIONS TO BE MADE ONLY BY TOWN

The construction of laterals for the connection of the sewer or water pipes on any lot with sewer or water pipes in any street, and the necessary excavation therefore shall be done only by the town.

('63 Code, Ch. Q, Art. I, §5) Penalty, see §10.99

§50.022 CONNECTION TO BE MADE ONLY UPON APPLICATION

No connection shall be made to any sewer or water lateral except after the written application therefore has been approved by the Director of Water and Sewer.

('63 Code, Ch. Q, Art. I, §6) Penalty, see §10.99

§51.023 APPLICATION FOR CONNECTIONS; FEE

Every application for a sewer or water connection shall state the name of the owner of the lot; the name of the street on which such lot is situated; the number of the house, if there is one on the lot, or, if not, a description of the location of the lot; the number and kind of connections desired; and the character of the surface of the abutting street. Every such application shall be signed by the person making the application, shall be accompanied by a fee of \$10 for making the connection applied for, and shall be filed with the Plumbing Inspector. Where cast iron pipe is used an additional fee shall be charged in proportion to cost of material and labor.

('63 Code, Ch. Q, Art. I, §7)

§51.024 CONSTRUCTION OF CONNECTIONS

Upon approval of any application for a sewer or water connection the town shall do the excavating, lay the pipe, install a meter where necessary, make the connection to the main, fill the excavation and replace the surface of the street.

('63 Code, Ch. Q, Art. I, §8)

§51.025 SEWER CONNECTIONS TO BE MADE WHERE OPENINGS PROVIDED

Every sewer connection made directly to a main shall be made at the “Y” provided for the lot to be served; but if no such “Y” has been provided for such lot, then such connection may be made directly to the main at any convenient point.

('63 Code, Ch. Q, Art. I, §9)

§51.026 SEPARATE CONNECTION REQUIRED

Every house or building abutting any water or sewer main and requiring a water or sewer connection shall be separately and independently connected, except in those cases where laterals have already been laid in macadam or improved streets from such main without provision being made for such house or building, in which case the connection may be made to an existing lateral. If such house or building is on a macadam or improved street where laterals have not been laid, the connection may be made to any convenient lateral. When two or more houses or units are connected with the same water lateral, a separate meter shall be provided for each such house or unit.

('63 Code, Ch. Q, Art. I, §10)

**§51.027 CONNECTIONS AND METERS PROPERTY OF TOWN;
MAINTENANCE OF METERS**

(A) All meters, meter boxes, pipes and other equipment furnished and used by the town in installing any water or sewer connection shall be and remain the property of the town. ('63 Code, Ch. Q, Art. I, §11)

(B) All meters, except such as are required to be furnished by particular users of water, shall be kept in good repair and working order by the town

§51.028 CONNECTION FROM OUTSIDE TOWN

No connection of any water or sewer line or system outside the town shall be made to the town's system except by permission and on such terms as the Board shall prescribe.

('63 Code, Ch. Q, Art. I, §13)

§51.040 CLASSES OF SERVICE; WATER FOR CONSUMERS OUTSIDE OF TOWN

(A) Water shall be furnished to consumers at metered rates only.

('63 Code, Ch. Q, Art. II, §1)

(B) Water shall not be furnished to consumers outside the town except on such terms and conditions as may be approved in each case by the Board.

('63 Code, Ch. Q, Art. II, §8)

§51.041 SCHEDULE OF WATER RATES; TAPPING FEES

(A) *Schedule of water rates.* Water rates will be determined, approved and published by the Town Board of Commissioners on a yearly basis. This will be accomplished during the budgeting process and will be approved as part of the budget.

(B) *Tapping fees.* Water and sewer tapping fees will be determined, approved and published by the Town Board of Commissioners on a yearly basis. This will be accomplished during the budgeting process and will be approved as part of the budget.

§51.042 DEPOSIT TO BE MADE BY TENANTS

When any person makes application for water, he will be required to make a deposit as hereinafter set out to guarantee the payment of water rent. If at the expiration of the time limited by the subchapter for the payment of rent for any month, the person has failed to pay his water rent due for such month or quarter, such portion of such deposit as may be necessary shall be applied to the payment of such water rent. Thereupon the water shall be cut off from such premises and shall not be turned on again until the balance of such deposit is increased to the original amount thereof. When such person has the water finally cut off, he shall, upon payment of all water rent due, be entitled to the return of his deposit, or any balance thereof; provided, that if such person vacates the premises without notifying the Water Department and having the water cut off he shall forfeit any balance of such deposit remaining after the water rent due has been deducted therefrom. The amount of such required deposits shall be in the discretion of the Board. The making of the deposit required by this section shall not operate to relieve any premises of liability for the payment of any water bill incurred thereon by any person except to the extent of such deposit.

('63 Code, Ch. Q, Art. II, §3)

§51.043 METER READING; BILLS

(A) Meters shall be read monthly and Town of Warrenton bills therefore shall be payable on or before the 15th day of the month and Warren County/Soul City bills shall be payable on or before the last day of the month. ('63 Code, Ch. Q, Art. II, §4) (Am. Ord. passed 8-14-2000)

(B) Bills for water rents shall be based on the actual reading of amount of water used, except that when the amount of water used is not registered because of a defective meter, the bill rendered shall be for the average amount heretofore used by the premises served by such meter during the preceding three months, or during the portion such period for which water rent records are available; or if water was not consumed by such premises through such meter during such preceding period, the bill rendered shall be for the average amount for other services of the same class in the town during the period covered by the bill. All separate places of business served by one water meter will be billed separately to the landlord for monthly water consumption and all water consumption in excess of 3,000 gallons minimum charge will be pro-rated between customers.

- (1) In office buildings with one main entrance and one employee bathroom facility the landlord will be charged for the amount of water used plus a \$10 surcharge for each business in the building. In office buildings that have individual entrances for each business and one water meter the landlord will be billed for each separate business for monthly water consumption with all water consumption in excess of 3,000 gallons minimum charge to be pro-rated between business.
- (2) In apartment buildings that are served only by one meter, the landlord will be billed for actual water consumption plus a \$20 surcharge for each apartment.
- (3) Any building which is remodeled to be an apartment or office building or any newly constructed office or apartment building after the effective date of this section will have individual water meters for each office/apartment.
- (4) A minimum water bill in all cases is the current cost for 3,000 gallons of water as approved by the Town Board.

('63 Code, Ch. Q, Art. II, §5) (Am. Ord. passed 3-9-98; Am. Ord. passed 4-13-98)

§51.044 DELINQUENT WATER ACCOUNTS; RESTORING WATER SERVICE

(A) A Town of Warrenton water bill will become delinquent on the 15th of the month and if not paid by the 20th of the month there will be a \$25 delinquent fee charged to the customer. A Warren County/Soul City water bill will become delinquent on the last day of the current month and if not paid by the 5th day of the following month there will be a \$25 delinquent fee charged to the customer. Water service will be discontinued as soon as possible after the 20th of the

month for a town customer and after the 5th day of the following month for a Warren County/Soul City customer.

('63 Code, Ch. Q, Art. II, §6) (Am. Ord. passed 8-14-2000)

(B) After water service has been discontinued due to a delinquent water bill service will not be restored until all past due fees and the \$25 delinquent fee have been paid.

('63 Code, Ch. Q, Art. II, §7) (Am. Ord. passed 7-8-96; Am. Ord. passed 7-13-98;

Am. Ord. passed 8-14-2000)

§51.045 FUTURE EXTENSIONS

(A) *Size requirements.*

<i>Service Connection Size</i>	<i>¾ in. with ⅝ in. meter</i>
Minimum size line – Dead end or cul-de-sac not More than 250 ft. long, nor more than 500 ft. from hydrant-maximum service – 10 residents	4 in.
Minimum size Main-Maximum length to dead end 1,000 ft. – Maximum length if fed from two Directions by 6 in. or larger main 1,600 ft.	6 in.
Main line size – Over 1,000 ft. not loped or feeding More than 3 6-inch or smaller lines	8 in.
Trunk size	12 in.

(B) *Fire hydrants.* Fire hydrants are required at all intersections and at distances of not more than 500 ft. in built-up areas, and not more than 1,000 ft. on other lines.

(C) *Valves.* Valves may be at the intersections of mains or at spacing of not more than 1,000 ft.

(D) *Standards.* The types of materials used is optional, but an attempt shall be made to standardize the quality, pressure rating, and brand where a supply of repair parts must be maintained.

('63 Code, Ch. Q, Art. II, §9) (Ord. passed 2-21-74)

§51.046 TAMPERING WITH TOWN METERS

Any individual who turns their water on after it has been turned off by town employees due to nonpayment of their water bill will be fined \$100 plus the applicable delinquent fee plus their delinquent water bill. Water service will not be restored until these conditions are met. Further, if any customer consistently turns their water on after town employees have turned it off for any reason, the town will pull the customer's meter, and the water service will not be restored to that address until all the above fees have been paid plus a \$15 fee for meter installation.

(Ord. passed 10-13-87; Am. Ord. passed 7-13-98)

FIRE SPRINKLER SYSTEM

§51.060 RATES FOR CONNECTION OF PRIVATE SPRINKLER SYSTEM TO CITY OR COUNTY MAINS

Private fire protection by connecting a private sprinkler system to the mains of the city or county will be furnished at the following rates; provided, that plans are submitted to and approved by the director of the water distribution system in writing prior to the connection with the mains of the city or county.

(A) For each 10,000 sq. ft. of floor space located inside the limits of the town, a charge shall be made of \$3 monthly, with a minimum charge of \$3 monthly.

(B) For each 10,000 sq. ft. of floor space on property located outside the limits of the town, a charge of \$6 shall be made monthly, with a minimum charge of \$6 monthly.

(C) If the sprinkler system shall be served by an additional source of water which supplements that of the town or county waterworks, the above charges shall be reduced by one half.

(D) If the property protected shall be larger than 200,000 sq. ft., the rate of charge per 10,000 sq. ft. on the area between 200,000 sq. ft. and 1,000,000 sq. ft. shall be \$1.50 inside the limits of the town and \$3 outside the limits of the town.

(E) If the property protected is more than 1,000,000 sq. ft., the rate charged shall be \$.075 (\$35) per 10,000 sq. ft. of floor space protected (in excess of 1,000,000 sq. ft.) if inside the corporate limits and \$1.50 if outside.

(F) If a hydrant is required by town or country fire protection standards or is desired to serve a community, a private building or business fire protection on the property, it shall only be available in locations where the main is of sufficient size to furnish the required water. Approval for installing the hydrant may be obtained by applying to the town or county utility operations department agreeing to pay all installation costs. The location and construction/design standard

§51.061 NO METERS REQUIRED FOR CERTAIN FIRE LINES.

The provisions of §51.060 shall not be applicable to, and no meters shall be required for, a private fire line provided each and all of the following standards, requirements, and criteria are fully and continuously complied with:

(A) The fire line shall be separate from any other service lines (from the town or county main throughout to its terminus) and shall only serve fire hydrants and sprinkler systems used for fire-fighting purposes only. All connections to the line for fire hydrants or sprinkler systems shall be approved in advance by the utility operations director, or his designee. The line shall be used for no other connections and for no other purposes, and it shall be illegal for anyone to make any other connection to the fire line or to tap the line for any other purpose other than fire-fighting at any point from the line's connection to the town or county main until its terminus; any such illegal activity shall be deemed a continuous offense and each day that such illegal tap, connection, or use exists shall constitute a separate offense and shall be punishable as a separate misdemeanor.

(B) The separate fire line shall contain a double detector check valve at the property line (constructed at property owner's expense) and the separate fire line shall be constructed throughout of ductile iron or PVC (AWA C900, class water main pipe) from the town or county main through its terminus (including all appurtenances to the line and whether located on private or public property and whether located inside a private structure or outside of the same).

(C) No hoses or pipes shall be connected to the fire hydrants to draw water from the same except for fire-fighting purposes, unless otherwise specifically authorized by the utility operations director (or his designee) for line flushing purposes.

(D) By placing an unmetered fire line on the property, the developer and all property owners so served shall thereby grant to the town and the county a perpetual easement to come onto any private property (including inside any private structures or buildings) served by the fire lane for any purpose permitted under this section. The town or county, and any of its duly authorized agents, shall have the right to inspect the line and all appurtenances thereto (including all sprinkler systems, whether located inside or outside of private structures or building) at any time without notice to verify that the line is properly maintained and to verify that no illegal taps or connections have been made to the same to check for possible leaks.

(E) Whenever any hydrant or sprinkler system on the unmetered fire line shall be used for testing or flushing or any purpose except emergency fire-fighting, the utility operations director shall be given 24 hours prior notice and he or his designee shall be present whenever the hydrant or sprinkler system is so used or tested.

(F) The owner of the property on which the fire line is located agrees to promptly repair any leaks discovered in said fire line within ten consecutive calendar days after notice of the leaks; if the leaks are not promptly repaired, then the town or county shall have the right to take any such actions which it may deem expedient to uncover and expose the line so as to discover the location of the leak or suspected leak and repair the leak. The property owner shall reimburse the town or county for all of its costs, expenses and damages incurred in so uncovering the line and repairing the line 30 days after being billed for the line by the town or county, and shall hold the town or county (and its officers and agents) harmless for any liability by reason of the town's or county's actions under this section.

(G) In addition to any other remedies available, the town or county reserves the right to cut off the water to any private unmetered fire line in the event all of the standards, requirements, and criteria set forth herein are not continuously met with respect thereto, the property owner agrees to hold the town or county (and its officers and agents) harmless from any liability or damages if the town or county so acts.

(H) This section shall be applicable to all unmetered fire lines constructed from and after the date of the original passage of this section on July 1, 1996 provided, however, that any metered fire line constructed prior to the date of this can have the meter removed upon approval of the utility operations director (or his designee) and provided all the standards, requirements, and criteria herein set forth are continuously met thereafter.

(Ord. passed 7-1-96)

§51.062 NONLIABILITY OF TOWN OR COUNTY

The town or county shall purchase or treat water in accordance with applicable governmental standards so as to provide potable (drinkable) water for delivery to users; the water is not warranted for use for any other particular purpose. The town or county shall not be liable or accountable for any failure to treat and/or deliver potable water, in the event such failure due to acts of God, strikes, power line breaks, system repairs, system additions or improvements, accidents or catastrophes, tampering, or any causes beyond the control of the town or county; provided, that nothing herein shall prevent the town or county from encouraging conservation or curtailing or restricting the use of water for certain purposes or by certain classes of water users when the town or county deems it necessary to prevent or alleviate a water shortage or problem.

(Ord. passed 7-1-96)

SEWER SERVICE CHARGES

§51.075 SEWER CHARGE LEVIED

(A) For the purpose of defraying the expenses of maintaining and operating the public sewer system of the town, there is hereby levied, pursuant to the provisions of N.C.G.S. §160-249 a sewage service charge, which shall be paid monthly by all persons, firms and corporations using the water and/or sewage services and facilities of the town, as hereinafter provided, which charge shall be as approved by the Town of Warrenton Board of Commissioners, in all cases in which such water customers discharge sewage into the public sewer system, subject to the exceptions set out in §§51.076 and 51.077.

('63 Code, Ch. Q, Art. III, §1)

(B) The sewage service charge prescribed shall be added to each water bill monthly and shall be payable at the same time the water bill is payable.

('63 Code, Ch. Q, Art. III, §2)

§51.076 CUSTOMERS DISCHARGING ONLY PART OF THEIR WATER INTO SEWER SYSTEM

Water customers of the town who discharge only a part, but not all, of the water furnished them through the town water system, may, if they so elect, install at their own expense meters, approved as to construction and installation by the Superintendent of the Warrenton Water

Department, to measure the amount of water that is used by them but is not emptied into the town sewer system, and the sewage service charge shall be based only upon the amount of water purchased by such customers and emptied into the town sewer system, as determined by such meters. In cases in which such users do not elect to install such meters, the Board of Commissioners shall, in each such case, determine the method and basis for giving the customers affected credit for water purchased from the town and not discharged into the town sewer system.

('63 Code, Ch. Q, Art. III, §3)

§51.077 USERS ACQUIRING WATER FROM OTHER SOURCES

In cases in which users of the town sewer system acquire water from sources other than the public water supply of the town, they may, if they so elect, install at their own expense meters, approved as to construction and installation by the Superintendent of the Warrenton Water Department, to measure the amount of water that is emptied by them into the town sewer system, and they shall be billed monthly for a sewage service charge on the same basis as if the amount of water, as determined by such meters, had been purchased from the public water supply of the town. In cases in which such users do not elect to install such meters, the Board of Commissioners shall prescribe the method and basis for determining, in each such case, the charge to be made for the use of the town sewer system, which charge shall be not less than \$1 per month.

('63 Code, Ch. Q, Art. III, §4)

§51.078 FUNDS RECEIVED

All funds received by the town from the sewage service charge prescribed shall be used only for the upkeep, repair and improvement of the town sewer system, and for no other purpose, and the same shall be shown in a separate account on the books of the town. All funds in the account may, from time to time, be invested by the Board of Commissioners in investments approved by the law until such time as they may be needed for the purposes hereinabove designated.

('63 Code, Ch. Q, Art. III, §5)

§51.079 FUTURE EXTENSION POLICIES

Any further extensions will be sized to serve the ultimate drainage area that they are in. Any future interceptors on Possum Quarter Branch or Horse Branch should be designed to serve as much of the industrial area north of the town along SR 1305 and east along SR 1325 as they can reach.

(’63 Code, Ch. Q, Art. III, §8)

USE OF SEWERS

§51.090 GOVERNANCE OF SEWER USE

The usage of sanitary sewers under the control of and operated by governmental entities other than the town shall be governed by those governmental entities. Provided, however, that usage of any sanitary sewers ultimately discharging into the Warren County Regional Wastewater Treatment Plant shall at a minimum conform to applicable federal and state requirements established through conditions attached to grant funds used to aid in financing construction of the Regional Treatment Plant, through conditions incorporated into the National Pollution Discharge Elimination (NPDES) permit issued for the Regional Treatment Plant, or through such other basis of authority and sewer usage the federal and state government have established or may establish in the future.

(’63 Code, Ch. Q, Art. IV, §I, 1) (Ord. passed 10-11-82)

§51.091 PROHIBITED DEPOSITS

No municipality connected to the Regional Wastewater Treatment Plant nor any person, group of persons, firm or corporation utilizing sewer collection may deposit any of the following waste materials into the sewer system.

(A) Any liquid or vapor having a temperature higher than 150° F or which will cause the influent of the treatment works to have a temperature higher than 104° F.

(B) Any water or waste which may contain more than 100 milligrams per liter, by weight, of fat, oil, or grease, exclusive of soap. Provided that up to 500 milligrams per liter may be discharged by permit authorization.

(C) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas or any other substances which create a fire or explosion hazard in the sanitary sewer system including the sewage treatment facilities.

(D) Any garbage that has not been properly shredded.

(E) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastics, wood, paunch manure, or other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewer system including the sewer treatment facilities.

(F) Any waters or wastes having a stabilized pH lower than 5.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sanitary sewer system including the sewage treatment facilities.

(G) Any water or wastes having a biochemical oxygen demand in excess of 250 milligrams per liter by weight. Provided that up to 500 milligrams per liter may be discharged by permit authorization of the plant supervisor.

(H) Any waters or wastes containing more than 250 milligrams per liter by weight of suspended solids. Provided that up to 500 milligrams per liter may be discharged by permit authorization of the plant supervisor.

(I) Any waters or wastes having an objectional color which is not removable in the existing sewage treatment plant processes.

(J) Any waters or wastes containing a toxic or poisonous substance or any other materials in sufficient quantity to injure or interfere with any waste treatment process, or constitute a hazard to humans or animals, or create any hazard in the stream receiving the discharge of the regional treatment plant.

(K) Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the regional treatment plant.

(L) Any noxious or malodorous gas of substance capable of creating a public nuisance.

(M) Any waters or wastes containing more than 200 milligrams per liter chlorides. Provided that up to 500 milligrams per liter may be discharged by permit authorization.

(N) Any water from an inflow source. All new sewers and services shall be designed and constructed to prevent such inflow sources.

(O) Any water or wastes having an ammonia concentration in excess of 25 milligrams per liter by weight when expressed as nitrogen. Provided that up to 30 milligrams per liter may be discharged by permit authorization.

(P) Any pollutant discharged except in compliance with federal standards promulgated pursuant to the Clean Water Act of 1977, and any more stringent standards established by the state and/or the town or by the authority of operating the regional wastewater treatment plant in accordance with the wastewater treatment system agreement.

(Q) Any pollutant including oxygen demanding pollutants (BOD and the like), released in a discharge of such volume or strength as to cause interference in the sanitary sewers or at the regional wastewater treatment plant.

('63 Code, Ch. Q, Art. IV, §I, 2) (Ord. passed 10-11-82)

§51.092 PERMIT TO EXCEED MINIMUM LIMITATIONS

The permit authorization to exceed the minimum limitations mentioned in §51.091 (B), (G), (H), (M), and (O) will be issued by the authority operating the regional wastewater treatment plant when the permit authorization is to be issued to a municipality discharging into the regional wastewater treatment plant or when the permit authorization is to be issued to a person, group of persons, firm or corporation connected to a sewer collection line under the control of and operated by the town. Permit authorization extended to any person, group of persons, firm or corporation connected to a sewer collection line under the control of and operated by a governmental agency other than the town that contributes wastewater to the regional treatment plant shall be issued by the governmental agency having control of and operating that sewer collection line. Permit authorization may be denied or conditioned by the permitting authority if in the judgment of the permitting authority the issuance of permit authorization would be detrimental to sewage collection or wastewater treatment facilities.

(’63 Code, Ch. Q, Art. IV, §I, 3) (Ord. passed 10-11-82)

§51.093 NOTICE OF CHANGE IN PROCESS OR SERVICE INTERRUPTION

Notice shall be given to the authority operating the regional wastewater treatment plant in accordance with the wastewater treatment system agreement whenever a change in the industrial process of an industrial waste discharger is contemplated or when the normal operation of an industry discharging industrial waste into any sewer line that ultimately conveys flow to the regional treatment plant will be interrupted for three days or longer with no industrial discharge. Industries discharging into lines under the control of and operated by the town shall provide such notice directly to the authority operating the regional treatment plant. Governmental entities other than the town whose waste is treated at the regional treatment plant will provide the required notification to the authority operating the regional wastewater treatment plant for any industrial waste dischargers discharging into sewer collection lines under their control

(’63 Code, Ch. Q, Art. IV, §I, 4) (Ord. passed 10-11-82)

§51.094 NONCOMPLIANCE

Failure to comply with the provisions of §§51.090 through 51.094 will bring forth a surcharge to municipalities, persons, groups of persons, firms and corporations. Surcharges shall also be brought forth, when determined by the plant operator that a discharge is: demanding more work load, demanding excessive chemical analysis causing shock loads to the system that will interfere with the biological process of the wastewater treatment plant. These surcharges will be based on guidelines given by a firm of consulting engineers.

('63 Code, Ch. Q, Art. IV, §I, 5) (Ord. passed 10-11-82)

§51.095 STRUCTURES REQUIRED

Persons, groups of persons, firms and corporations discharging into sewer collection lines controlled and operated by the town shall meet the requirements listed below.

(A) In order to equalize flows over a 24-hour period, each person discharging a waste into sanitary sewers having a volume in excess of 50,000 gallons in one day, shall construct and maintain at his own expense a suitable storage tank as determined by the Superintendent. The tank shall have a capacity of at least 80% of the normal volume of one 24-hour production period of waste and whose outlet to the sewer is controlled by a water works type rate controller, or other approved devices, the setting which shall be directed by the Superintendent.

(B) Any person discharging industrial wastes into the sanitary sewer shall construct and maintain a suitable control manhole, down stream from any treatment, storage, or other approved works, to facilitate observation, measurement and sampling of all wastes including domestic sewage, from the industry. The control manhole shall be constructed at a suitable and satisfactory location and built in a manner approved by the Superintendent. The control manhole shall be equipped with a permanent type volume measuring device such as a nozzle, flume, weir or other suitable devices as may be approved by the Superintendent. The Superintendent may require installation of an automatic sampling device for the collection of sewage samples within the control manhole. The manhole shall be installed by the person discharging the wastes at his expense and shall be maintained by him so as to be safe, accessible and in proper operating condition at all times.

(C) Where preliminary treatment or holding facilities and measuring or sampling devices are provided for any purpose in connection with the discharge of industrial wastes into the sewer system, such facilities shall be maintained continuously in satisfactory and effective operation by the owner at his own expense.

('63 Code, Ch. Q, Art. IV, §II) (Ord. passed 10-11-82)

§51.096 PERMITS

Persons, groups of persons, firms and corporations discharging into sewer collection lines controlled and operated by the town shall meet the requirements listed below. Government

§51.097 POWERS AND AUTHORITY FOR INSPECTION

The Superintendent and other duly authorized employees of the town and employees of the authority operating the county regional wastewater treatment plant in accordance with the wastewater treatment agreement, bearing proper credentials and identification, shall be permitted to enter upon all non-residential properties discharging wastewater treated by the regional wastewater treatment plant for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this section. Nothing in this section shall be construed to relieve any person from liability in the event that the representative(s) is injured, involved in a mishap, and the like, while performing the inspections, observations, measurements, sampling, and testing.

(’63 Code, Ch. Q, Art. IV, §IV) (Ord. passed 10-11-82)

§51.098 MEASUREMENT OF FLOW

(A) The volume of flow used in computing sewer user charges and sewer surcharges shall be the actual wastewater flow from all contributing governmental entities. Wastewater flow from the Town of Norlina shall be determined based on the flow metered at the points at which the Town of Norlina’s wastewater is pumped into the regional wastewater treatment system. Wastewater flow from the county shall be determined based on the flow metered at the points at which the flow is pumped into the regional wastewater treatment system. Wastewater flow from the Town of Warrenton shall be determined by subtracting from the flow measured at the regional wastewater treatment plant the metered flow from all sources other than the Town of Warrenton.

(B) The volume of flow used in computing sewer user charges and sewer surcharges for sewer users connected to sewer lines under the control of and operated by the town shall be in accordance with the procedures outlined in §§51.098(B)(1) and (2).

- (1) The volume of flow used in computing sewer user charges and sewer surcharges shall be based upon metered water consumption as shown in the records of water meter readings. In the event that an industrial sewer user discharging wastes into the sanitary sewer system produces to the Superintendent that more than 10% of the total annual volume of water used for all purposes does not reach the sanitary

sewer, an estimated percentage of total water consumption to be used in computing charges may be agreed upon between the Superintendent and the industry discharging industrial wastes into sewers. In the event that the Superintendent determines that the volume of industrial waste being discharged is more than 10% greater than the metered water consumption, then the industrial waste charges shall be based upon the volume discharged as measured by a volume measuring device approved by the Superintendent such as a flow meter installed within the control manhole.

- (2) Where the person discharging industrial wastes into the sanitary sewer procures any part, or all of, his waste supply from someone other than the town, all or part of which is discharged into the sanitary sewer, the person discharging the waste shall install and maintain at his expense, water meters, or other measuring devices of a type approved by the Superintendent for the purpose of determining the proper volume of flow to be discharged.

('63 Code, Ch. Q, Art. IV, §V) (Ord. passed 10-11-82)

§51.099 DETERMINATION OF CHARACTER AND CONCENTRATION OF WASTES

Persons, groups of persons, firms and corporations discharging into the sewer collection lines installed and operated by the county shall be subject to the provisions listed in §51.099 (A), (B), (C), and (D).

(A) The industrial waste of each person discharging the same into the county's sanitary sewers shall be subject to periodic inspection and a determination of character and concentration of the wastes shall be made quarterly or more often as may be necessary, by the Superintendent.

(B) Samples shall be collected and composited in such a manner as to be representative of the actual quality of the wastes. The laboratory methods used in the examination of the wastes shall be those set forth in Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Associations, the most recent edition, a copy of which is on file with the Town Clerk for inspection by any interested parties.

(C) The determination of the character and concentration of the industrial wastes by the Superintendent or his authorized assistants, shall be binding as a basis for charges.

(D) Total costs incident to the supervision, inspection, sampling and analyzing of wastes shall be included in the charge made to persons discharging wastes into the sanitary sewers.

('63 Code, Ch. Q, Art. IV, §VII) (Ord. passed 10-11-82)

§51.100 PROTECTION FROM DAMAGES

(A) No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any equipment or materials belonging to the town used for the purpose of making tests or examinations and left upon the premises of a person discharging wastes into the sewers.

(B) If any person or persons violates any provision of this subchapter, the town shall at a minimum recover from that person or persons the costs of repairing the damages and/or additional wastewater treatment and sewage collection, operation and maintenance expenses resulting from that violation. The Town Board of Commissioners may also, where they deem such action is in the best interest of the town permanently deny continued water and sewer service to any person or persons found to have violated any of the provisions of this Use of Sewers subchapter and institute such criminal and civil actions as the General Statutes of the state allow.

(’63 Code, Ch. Q, Art. IV, §VIII) (Ord. passed 10-11-82)

STANDARD PERMIT CONDITIONS

§51.110 GENERAL LIMITATIONS ON DISCHARGE

(A) The wastewater discharge into the county sanitary sewer system from the point source(s) governed by this permit shall be through compliance with approved regulations and with prohibitions and limitations on pollutants specified in:

- (1) Any and all applicable federal and state government regulations;
- (2) The sewer use ordinances of the town and county, except as expressly stated otherwise within conditions of this permit; and
- (3) All standards, procedures, and conditions stated within this permit.

(B) The permit holder is responsible for being knowledgeable of all such provisions, and failure to be cognizant of them shall not constitute an affirmative defense to any action brought for noncompliance with this permit and its referenced or expressed provisions.

(Ord. passed 4-8-91)

§51.111 PERMIT NONTRANSFERABLE

This permit is not assignable to any person, firm, or corporation, other than the one to which the permit was issued, to exercise the privileges and receive the benefits of the permit.

(Ord. passed 4-8-91)

§51.112 PERMIT DOES NOT CONSTITUTE WAIVER OR RELEASE

The issuance of this permit does not constitute a waiver from any standards or requirements established by the state or federal governments. Nor does this permit constitute a waiver of or release from any standards or requirements of the Sewer Use Ordinances of the town and the county unless such a waiver or release is specifically identified in those ordinances as being in the power of and at the discretion of the town and is explicitly stated in this permit.

(Ord. passed 4-8-91)

§51.113 PERMIT SUBJECT TO CANCELLATION AND REVISION

This permit may be canceled by the Director of Public Works of the town should the holder of the permit fail to comply with all the provisions of the permit. Cancellation of this permit shall require the holder to cease all discharge into the public sanitary sewer system until application is made for a new permit with any required accompanying fees and a new permit is issued by the Director of Public Works. Any specific provisions of this permit, including prohibitions, limitations, procedures, and compliance schedules may be revised or eliminated by the Director of Public Works upon the occurrence of any of the following:

(A) The holder of this permit shall deviate from permitted conditions of this permit pertaining to discharge quantity, rate, and/or intervals, or permitted discharge physical and chemical characteristics.

(B) The holder of this permit shall deviate from procedures for sampling, flow measurement, laboratory testing, and submittal of monitoring reports as required by this permit.

(C) The holder of this permit shall deviate from compliance schedule established in this permit.

(D) Changes are adopted in the Sewer Use Ordinances or changes are enacted in state and/or federal regulations which forbid or make unfeasible, uneconomical, or otherwise undesirable the continuation of privileges, benefits, or provisions of this permit.

(E) The Director of Public Works of the town has evidence that continuation of a condition in this permit, if further continued as written, will potentially harm the public health and safety or cause the intent of the Sewer Use Ordinances to be no longer served.

(F) The Director of Public Works discovers that information supplied by the permit holder, in requesting this permit or submitting monitoring and compliance reports, was either intentionally or unintentionally of a false or misleading nature.

(Ord. passed 4-8-91)

§51.114 REQUIREMENTS FOR REPORTING NONCOMPLIANCE

(A) The holder of this permit is required to notify the Director of Public Works at the earliest possible time of any known or suspected violations of provisions, or discharge of prohibitions and limitations of this permit. In no case shall oral notification be after 24 hours of time when noncompliance is first known or suspected.

(B) A written notification to the Director of Public Works shall follow oral notification in all cases and be submitted within five days after oral notifications. The written notification shall include at least the following:

- (1) The provision known or suspected to be violated;
- (2) Suspected cause of violation;
- (3) Exact date, time, and duration of known or suspected noncompliance;
- (4) Extent of violation, including for suspected discharges the quantity and physical and chemical characteristics;
- (5) Steps taken, being taken, and/or planned to reduce, eliminate, and prevent recurrence of the violation; and
- (6) A schedule for completing planned steps.

(C) If further steps are necessary and planned at the time written notification is submitted, and additional notification is required within five days after such corrective action is completed to summarize the action. Upon review of written notifications, the additional steps or additional written notifications as necessary to achieve compliance may be required by the Director of Public Works.

(D) The Director of Public Works, in determining if revision or cancellation of this permit is necessary as a result of noncompliance, will review all written notifications and actions of the permit holder. Documentation should:

- (1) Identify the specific cause(s) of the noncompliance;
- (2) Demonstrate that facilities contributing to the wastewater discharge and/or as applicable pretreating the wastewater discharge were at the time of the noncompliance being operated in a prudent and workmanlike matter and in compliance with applicable operation and maintenance procedures;
- (3) Demonstrate that the cause(s) of noncompliance could not have been reasonably foreseen;
- (4) Demonstrate that sufficient corrective measures to prevent recurrence of noncompliance were promptly taken;
- (5) Demonstrate that the noncompliance reporting requirements were met; and
- (6) Demonstrate that public health and safety and wastewater collection and treatment operations would not be endangered by continuing the discharge allowed under this permit. The burden of proof in providing the required documentation is with the permit holder. If the Director of Public works finds the documentation to be satisfactory, this permit may not be revoked or revised.

(Ord. passed 4-8-91)

§51.115 TRUTH IN REPORTING

The reports, records, and submittals required by this permit shall comply with the provisions of the United States Code (18 USC 1001) relating to fraud and false statements and the provisions of §309(c)(2) of the Federal Water Pollution Control Act as amended.

(Ord. passed 4-8-91)

PROVISIONS CONCERNING PUMPING STATIONS

§51.125 STANDARDS REQUIRED

Wastewater pump stations accepted for maintenance by the town shall be reviewed by the town or their representative (hereafter referred to as engineer) and shall meet the standards listed in this subchapter.

(Ord. passed 4-8-91)

§51.126 DESCRIPTION OF WORK

The pump station includes two self-priming, horizontal, centrifugal, V-belt motor driven sewage pumps, valves, internal piping and a precast concrete wet wall.

(Ord. passed 4-8-91)

§51.127 QUALITY ASSURANCE

(A) The pumps and motors shall be given an operational test in accordance with the standards of the Hydraulic Institute. Recordings of the test shall substantiate the correct performance of the equipment at the design head, capacity, suction lift, speed and horsepower as herein specified. Upon request from the engineer, the engineer or his representative shall be invited to witness the operational test at the manufacturer's facility or other location designated by the manufacturer.

(B) The services of a factory-trained representative shall be provided for a maximum period of one day to verify proper installation, place pumps in initial operation, witness the field test, and to instruct the owners in the operation and maintenance of the equipment.

(Ord. passed 4-8-91)

§51.128 SUBMITTALS

(A) All required data except the results of the factory performance tests shall be provided with initial submittal data by the pump supplier for review for the engineer. In addition to standard information, the following data shall be provided:

- (1) Certified dimensional drawings of the pump recirculation port or ports.
- (2) Power transmission calculations.
- (3) Manufacturer's projected performance in regard to elapsed time required for priming and repriming while operating under specified design conditions, pump speed, and impeller diameter.
- (4) Certified drawings indicating location of the cutwater tip within pump casing.

(B) Upon a satisfactory review of the proposed equipment supplier's initial engineering data by the engineer, the equipment offered shall be approved conditionally, and released to production. Upon completion of manufacture, all required test data shall be forwarded to the engineer for review. Certified test data in regard to prime and reprime capabilities shall be equal to the specified performance values at design conditions in order to be approved for shipment. Approval for shipment shall be authorized in writing by the engineer, but the equipment shall not

be accepted by the engineer until tested under actual field conditions, in accordance with, and subject to, the provisions of the field test.

(C) Upon receiving approval for shipment, the pump manufacturer shall provide a certified letter to the engineer stating the name, address, and telephone number of the factory representative authorized to perform as their agent during conduct of the field test.

(D) Installation of the pump station and related appurtenances shall be performed in accordance with written instruction by the manufacturer.

(E) The pump station manufacture shall be responsible for supplying written instructions, which shall be sufficiently comprehensive to enable the operator to operate and maintain the pumps. The instructions shall assume that the operator is familiar with pumps, motors, piping, and valves, but that he has not previously operated and/or maintained the exact equipment supplied. These instructions shall be prepared as a systems manual applicable solely to the pumps and equipment supplied by the manufacturer to these specifications, and shall include those devices and equipment supplied by him. Operation and maintenance instructions shall be specific to the equipment supplied in accordance with these specifications. Instruction manuals applicable to many different configurations and pump stations, and which require the operator to selectively read portions of the instructions, shall not be acceptable. (Ord. passed 4-8-91)

§51.129 PRECAST WET WALL

(A) Precast concrete manhole sized as shown on plans shall be constructed per ASTM C 478: Provide extended base when indicated.

(B) Joints between sections shall be watertight utilizing flexible rope from butyl mastic, approximately 1 ½ inches thick, installed in accordance with the manufacturer’s recommendation. Joints shall be grouted and coated with bituminous material on the interior and exterior.

(C) Flexible rubber pipe sleeves for pipe entrances conforming to ASTM C 923 shall be utilized for watertight pipe entrances where shown on the drawings.

(D) Steps shall be formed into the precast concrete manhole wall. The steps shall be constructed of ¾ inch steel reinforcing rod, plastic encapsulated. The steps shall be 12 inches wide with a total dept (including anchoring) of approximately 10 inches. Each step shall be capable of withstanding a maximum of 300 foot lbs. prior to deflection. Steps shall be M.A. Industries Model PS-1, or equal.

(E) Tank vents shall be constructed utilizing two-inch galvanized pipe (threaded end, schedule 40) and fittings conforming to ASTM A 53. Vent screen utilizing ½-inch mesh galvanized hardware cloth secured with galvanized strap shall be provided.

(Ord. passed 4-8-91)

§51.130 WET WELL FRAME AND COVER

Manhole frame and cover provided for wet well shall be cast into the top slab of the wet well as shown on the plans at the location indicated. A manhole valve box shall also be cast into the wet well top slab at the location shown on the plans. Castings shall be flush with the finished concrete surface.

(Ord. passed 4-8-91)

§51.131 STATION ENCLOSURE

(A) The station enclosure shall provide sufficient inside area for maintenance personnel to perform normal operation and maintenance inside, sheltered, and free from foul weather.

(B) An enclosed and gasketed 200-watt light fixture shall be provided adequate light to all parts of the station and shall not constitute a physical hazard to inspection or service personnel. Light circuit shall be fused, and shall be provided with a disconnect switch.

(Ord. passed 4-8-91)

§51.132 PUMPS

Pumps shall be horizontal, self-priming sewage pumps, specifically designed for pumping raw, unscreened, domestic sanitary sewage either flooded suction or suction lift.

(A) All areas of the pump casing and volute which are exposed to sewage shall be constructed of cast iron of no lesser grade than Class 30.

(B) All openings, internal passages, and internal recirculation ports shall be large enough to permit the passage of sphere three inches in diameter, and any trash or stringy material which can pass through the average house collection system. Screens or any internal devices that create a maintenance nuisance or interfere with priming and performance of the pump shall not be permitted.

(C) The pump manufacturer shall demonstrate to the engineer's satisfaction that due consideration has been given to reducing maintenance costs by incorporating the following features:

- (1) No special tools shall be required for replacement of any components within the pump.
- (2) The pump must be equipped with a removable cover plate, allowing access to pump interior to permit the clearance of stoppages and to provide simple access for service and repairs without removing suction or discharge piping.
- (3) The pump shall be fitted with a replaceable wear plate. Replacement of the wear plate, impeller, seal, and suction check valve shall be accomplished through the removable cover plate. The entire rotating assembly, which includes bearings, shaft, seal, and impeller, shall be removable as a unit without removing the pump volute or piping.
- (4) Each pump shall incorporate a suction check valve that can be removed or installed through the removable cover plate opening, without disturbing the suction piping. Sole function of check valve shall be to eliminate re-priming with each cycle. Pumps requiring suction check valves to prime or reprime will not be acceptable.
- (5) Means shall be provided for external adjustment of the clearance between the impeller and wear plate.
- (6) The impeller shall be two vaned, semi-open, non clog, cast in ductile iron with integral pump out vanes on the back shroud. Impeller shall thread onto the pump shaft and be secured with a lockscrew.
- (7) The pump shaft shall be sealed against leakage by a mechanical seal. Both the stationary sealing member and mated rotation member shall be of tungsten titanium carbide alloy. Each of the mating surfaces shall be lapped to a flatness of ½ light band (5.8 millionths of an inch), as measured by an optical flat under monochromatic light. The stationary seal seat shall be double floating so that faces will not lose alignment during periods of shock loads that will cause deflection, vibration, and axial or radial movement of the pump shaft.
- (8) The seal shall be lubricated with oil from a separate, oil-filled reservoir. The same oil shall not be used to lubricate both shaft seal and shaft bearings.
- (9) The seal shall have a minimum life of four years from date of shipment. Should the seal fail within the first year, the manufacturer shall be obligated, upon

notification, to furnish a new seal, without charge to owner, F.O.B. factory. The cost of replacement seals thereafter will be on a pro-rata basic as the following:

<i>Failure Within</i>	<i>Percentage of New Seal Price</i>
2 years	25%
3 years	50%
4 years	75%

(10) The pump impeller shaft bearings shall be anti-friction ball or tapered roller bearings, of ample size and proper design to withstand all radial and thrust loads which can reasonably be expected during normal operation. Bearings shall be lubricated from a separate reservoir. Pump designs in which the same oil lubricates both the shaft bearings and the shaft seal shall not be acceptable.

(11) Each pump shall be equipped with one-piece, cast iron suction spool, flanged on each end. Each spool shall have one 1-½ NPT and one ¼ NPT tapped hole with pipe plugs for mounting of gauges or other instrumentation.

(D) Each pump shall be designed to retain adequate liquid in the pump casing to insure unattended automatic repriming at its rated speed, and each pump shall be tested at the factory after installation in the packaged pump station, at the vertical reprime lift as specified below. The tests shall be certified by a professional engineer and the pump manufacturer and the test report shall include the information below. Certified reprime test data must be submitted to the engineer for approval prior to shipment. The required information shall include but not be limited to the following:

- (1) Pump model and serial number.
- (2) Impeller diameter.
- (3) Pump speed.
- (4) Reprime vertical lift and elapsed time.
- (5) Type and temperature of liquid.
- (6) Size of suction lines and length of horizontal run.

(E) Pump must be capable of a reprime lift to meet the requirements at the selected speed and impeller diameter. Reprime lift is defined as the static height of pump suction centerline above liquid that pump will prime; and delivery within the specified time on liquid remaining in

the pump casing after a delivering pump is shut down with the suction check valve removed. Additional standards under which reprime tests shall be run are:

- (1) Piping shall incorporate a discharge check valve down stream from the pump. Check valve size shall be equal (or greater than) the pump discharge diameter.
- (2) A ten-foot length of one-inch pipe shall be installed between pump and discharge check valve. This line shall be open to atmosphere at all times to duplicate the air displacement rate of a typical pump station fitted with an air release valve.
- (3) No restrictions shall be present in pump or suction piping which could serve to restrict the rate of siphon drop of the suction leg. Suction pipe configuration for reprime test shall incorporate a minimum horizontal run of 4.5 feet and one 90 degree ell.
- (4) Impeller shall be set at the clearances recommended by the manufacturer in the pump service manual.
- (5) The reprime test shall be conducted with the pump liquid level lowered to the tip of the cutwater in the pump casing.
- (6) Reprime lift repeatability shall be demonstrated by five sequential reprime cycles.
- (7) Liquid to be used for reprime test shall be water.

(F) A field test shall be conducted by the factory trained representative of the pump manufacturer in presence of the engineer, prior to acceptance of the pumping equipment by the owner. Upon the engineer's verification of a proper installation by the contractor, the contractor shall notify the pump equipment supplier and the owner that the installation is complete and ready to be put into operation. The contractor will arrange a date for the accomplishment of initial start-up and the conduct of the field test. The field test shall be conducted as follows:

- (1) Verify pump serial numbers on those which factory run certified reprime tests.
- (2) Verify impeller diameter as to size specified for each pump.
- (3) Verify pump speed as specified.
- (4) Verify actual field priming life conditions match design/specified conditions.
- (5) Inspect each pump casing, and related piping to insure there are no stoppages.
- (6) Insure adequate liquid/sewage is available to reach design control levels in the wet well.
- (7) Insure air release lines are open.

- (8) Record type and temperature of liquid to be pumped.
- (9) Record time of day and barometric pressure at jobsite.
- (10) Pump pumps into operation and measure suction and discharge pressure for each pump.

(G) Each pump shall be given a repriming test in the field. Each pump shall be tested three times and the elapsed time required to achieve reprime recorded for each test. The average time of the three tests shall be used. This average time must be less than or equal to the specified times. No external devices or vacuum assist units shall be used during reprime tests. The test shall be conducted as follows:

- (1) Lower wet well level below pump on level.
- (2) Fill pump casing full of water.
- (3) Drop suction leg.
- (4) Drain liquid level in pump casing to the cutwater tip.
- (5) Fill wet well until pump turns on automatically at specified pump on level.
- (6) Record time from instant starter energizes until pump comes to full prime and is pumping at full rated capacity against the specified head. Suction and discharge gauges shall be attached to the pump during the test to insure full prime is reached. A standard stop watch shall be used to keep time.
- (7) The reprime test shall also be administered as above, but rather than drain the pump casing to the cutwater tip, the suction check valve shall be removed and the pump brought to prime. Once the pump is pumping at its fully rated capacity, the pump shall be cut off. The suction leg will drop and a natural siphonage shall occur from the pump casing. The time required for each pump to reprime under this condition shall be recorded. The average time of three tests shall be used.

(H) Should the proposed equipment fail to meet the specified performance criteria or fail reprime within the specified time, the equipment will be rejected. The pump manufacturer shall have seven days to correct any deficiencies prior to a retest. The retest shall be identical to the first test. Should equipment fail to perform as specified during the retest, the engineer shall direct the equipment be removed from the jobsite and an equipment offering which will perform as specified be provided. The decision of the engineer to remove equipment failing to perform as specified shall be final. No external devices or vacuum assist units shall be used during prime/reprime tests.

(Ord. passed 4-8-91)

§51.133 PUMP DRIVE UNIT

(A) The pump motors shall be horizontal, open drip proof, induction type, with normal starting torque and low starting current characteristics, suitable for three phase, 60 hertz, 240 volt, AC electrical current. The motors shall not be overloaded at the design condition or at any head in the operating range as specified. Each motor shall be in current NEMA design cast iron frame with copper windings 1.15 service factor and type F insulation.

(B) Power shall be transmitted from motors to pumps by means of V-belt drive assemblies. The drive assemblies must be selected on the basis that adequate power will be transmitted from driver to pump.

(C) Drive systems with a safety factor of less than 1.5 to 1 shall not be considered sufficient for the service intended. Computation of safety factors shall be based on performance data published by the drive manufacturer. The pump manufacturer shall submit to the engineer, power transmission calculations which clearly express the following:

- (1) Ratio of pump speed as related to motor speed.
- (2) Pitch diameter of driver and driven sheaves.
- (3) Number belts per drive assembly.
- (4) Theoretical horsepower transmission per V-belt.
- (5) Center distance between driver and driven shafts.
- (6) Center distance and combined arc-length factor applied to theoretical horsepower transmission per V-belt.
- (7) Service factor, that is power transmitted per drive assembly as related brake horsepower requirements of the pump.

(D) Pump drive transmissions shall be enclosed on all sides in a guard constructed of any one or combination of materials consisting of expanded, perforated, or solid sheet metal, except that maximum perforated or expanded openings shall not exceed ½ inch.

(E) Guards shall be manufactured to permit complete removal from the pump unit without interference with any unit component, and shall be securely fastened to the unit base and rigidly braced to some fixed part.

(F) All metal shall be free burrs and sharp edges. Structural joints shall be continuously welded. Panels may be riveted to frames with not more than five-inch spacing. Tack welds shall not exceed a four-inch spacing.

(G) The guard shall be primed with a minimum of 1.5 mils of zinc-based synthetic primer. A finished acrylic enamel coating (minimum 1.5 mils) shall be applied in accordance with

Section 3, Color Definitions of ANSI 253.1; 1967, *Safety Color Code for Marking Physical Hazards*.

(Ord. passed 4-8-91)

§51.134 PIPING AND VALVES

(A) Piping shall be ductile iron complying with AWWA C 115, thickness class 3. Pipe shall be cement mortar lined and have 1mil thick bituminous coating, interior and exterior. Flanges shall comply with ANSI B16.1, class 125 rating. Pipe and flanges shall be threaded to ANSI B2. 1 pipe thread and suitable thread sealant applied before assembling flange to pipe. Bolt holes shall be in angular alignment within .5 degrees between flanges. Flanges shall be faced and a gasket finish applied that shall have concentric grooves a minimum of 0.010 inch deep by approximately 0.030 inch wide, with a minimum of three grooves on any given surface spaced a maximum of ¼ inch apart. Flanged to flexible connection devices shall be provided for each suction and discharge connection, to relieve misalignment stresses.

(B) Full flow type swing check valves shall have cast iron body with flanged ends rated at 125 lbs. Valves shall be fitted with an external lever and spring. Bronze body ring shall be threaded into the valve port. Valve clapper shall be cast iron, bronze face, and shall swing completely clear of waterway when valve is full open. Hinge pin shall be of 18-8 stainless steel construction and shall be utilized with bronze bushings and O-ring seals. Valves shall be equipped with a locking device to hold the plug in the desired position.

(C) The discharge header shall include a three-way plug valve to permit either or both pumps to be isolated from the common discharge header. Valves shall have ports designed to pass spherical solids equal to the pumps capability. The plug valve shall be non-lubricated, tapered type. Valve body shall be semi-steel with flanged end connections drilled to 125 pound standard. Valves shall be furnished with a drip-tight shutoff mounted in stainless steel bearings, and shall have a resilient facing bonded to the sealing surface. Valve shall be operated with a single lever actuator providing lift, turn, and reseal action. The lever shall be equipped with a locking device to hold the plug in the desired position.

(D) Pump section and discharge pipes shall be fitted with cast iron flanged adaptors above the pump station floor as shown on the plans. The adaptors shall be manufactured of Class B cast iron in accordance with ASTM A 126.

(E) (1) Each pump shall be equipped with one automatic air release valve, designed to permit the escape of air to the atmosphere during initial priming or unattended repriming cycles. Upon completion of the priming or repriming cycle, the valve shall close to prevent recirculation. Valves shall provide visible indication of valve closure, and shall operate solely on discharge pressure. Valves which require connection to the suction line shall not be acceptable. The valve shall be comprised of the following principal parts:

- (a) Valve body
 - (b) Removable clean-out cover plate
 - (c) Valve rod
 - (d) Diaphragm
 - (e) Spring, spring washers and adjusting pin
- (2) The automatic air release valve should be installed in a horizontal position in the discharge line of each self-priming centrifugal pump discharge outlet and discharge check valve. Valve inlet is at the large end of the valve body, sized for one-inch pipe with standard threads. Drain line should be gravity to wet well. The pressure at valve closure shall be adjustable by increasing or decreasing the spring pre-load with the plunger shaft in the open position. Adjustment shall be correct when the valve closed as the discharge check valve opens during pumping. Valve will close immediately on the on-cycle unless the pump has lost prime.
- (F) A cleanout port, three inches or larger in diameter, shall be provided for ease of inspection, cleanout, and service.
- (G) Valves shall be field adjustable for varying discharge heads.
- (H) There shall be furnished with the pump station the following minimum standard spare parts:
- (1) One spare pump mechanical seal (complete), and with it all gaskets, seals, sleeves, O-rings, and packings required to be replaced during replacement of the seal.
 - (2) One set of impeller clearance adjustment shims.
 - (3) One quart of seal lubricant.

(Ord. passed 4-8-91)

§51.135 FINISH

The pumps, piping, motors, valves, and exposed steel framework shall be cleaned with industrial grade chemical cleaner. The prime coat shall be a zinc base synthetic primer. The finish coat shall be an automotive grade white acrylic enamel.

(Ord. passed 4-8-91)

§51.136 PUMP STATION CONTROL CENTER

(A) The enclosure to be furnished and installed by the contractor shall be NEMA 1, lockable, deadfront, for rack mounting, with an interior hinged door for mounting switches, etc. The interior door shall have openings properly located, sized, and cut to accommodate the breakers, switches, pilot lights, etc. Holes cut through the interior door shall be located and cut by the manufacturer of the controllers, with care taken to prevent rough edges. The interior door shall be of such strength, thickness, and bracing (as required by enclosure manufacturer) to prevent any significant sagging or flexing after the holes have been cut and the equipment mounted. The manufacturer shall assemble and wire all components of the control center within the enclosure prior to shipment. Isolation between the high level and low level signals shall be provided in the enclosure if required by the control manufacturer.

(B) The control center shall be supplied with a properly sized control power circuit breaker. The breaker shall be accessible through the interior cabinet door and shall supply power to all control wiring within the enclosure. The circuit breaker shall be Square D, or equal.

(C) The control center shall contain an appropriately sized NEMA combination circuit breaker type motor starter on the interior door of the control center for the operation of each motor starter. This selector switch shall operate the starter when it is the “hand” position or the “automatic” position and the automatic pump controls are calling for the operation of the equipment in the manner as herein described.

(D) A separate heavy-duty, three-position, hand-off-automatic selector switch shall be flush-mounted on the interior door of the control center for the operation of each motor starter. This selector switch shall operate the starter when it is in either the “hand” position or the “automatic position” and the automatic pump controls are calling for the operation of the equipment in the manner as herein described.

(E) A green “pump running” light shall be provided for each pump. The required light shall operate off the pump control relay and shall be of a dim-glow nature.

(F) An amber “pump required” light shall be provided for each pump. The required light shall operate off the pump control relay and shall be of a dim-glow nature.

(G) A red “commercial power available” light shall be provided. The light shall operate off control circuit auxiliary contacts and shall be of a dim-glow nature.

(H) A duplex pump controller/alternator system with alarm contact shall be provided. The controller system shall be furnished in its own enclosure, if required, which shall be mounted in the pump station control center cabinet. The controller system shall be suitable for utilization with four level control float switches. A three-position switch shall allow for manual selection of the “lead” pump or automatic alternation. Control of the operation of the pump motor starters shall be through the hand-off-automatic selector switches by way of the pump controller system.

(I) Four “normally open” direct acting float switches for a pump-down operation shall be provided by the pump manufacturer for installation in the wet well. The float switches shall be compatible without modification to the pump controller and alarm systems. Each float shall be sealed in a solid polyurethane floatball containing mercury switch and cable connections. The cable shall be fine-stranded wire with heavy-duty synthetic rubber jacket and supplied in ample length to provide a continuous, unspliced, run to the pump station control center. Each float shall be clamped to a one inch vertical galvanized pipe in the wet well specifically for mounting float switches. The switch within the float shall be mercury-to-electrode, tilt type, normally open contact for a pump-down application. On/off operation shall occur on differentials of less than one inch of liquid level change. The liquid level control switches shall operate as follows:

- (1) “Pump off” level – Common off for both pumps
- (2) “Lead on” level – On level for lead pump as determined by controller/alternator
- (3) “Lag on” level – On level for second pump as determined by controller/alternator
- (4) “Alarm” level – Activates pump station alarm system

(J) An elapsed time meter for each pump shall be mounted in the control center and wired to the motor starter to indicate total running time of each pump motor in hours and tenths of hours. Elapsed time meters shall be 6-digit, non-resettable.

(K) The alarm system shall include a local audible alarm buzzer and alarm light with an alarm silence button. The alarm buzzer shall be weatherproof. The buzzer shall be surface mounted on the side of the exterior of the pump station control center cabinet. The alarm light shall be watertight, 100 watts. The light shall be surface mounted on the top of the pump station control center cabinet and be very noticeable during both night and day. The alarm silence button shall affect only the buzzer. The light shall continue until the alarm condition(s) return to normal status. Conditions that cause a local alarm are:

- (1) High water level in wet well
- (2) Pump motor overload

(L) A ground fault receptacle (120 volts) with a waterproof cover shall be mounted on the exterior of the pump station control center enclosure.

(M) All switches, buttons, indicator lights, breakers, and meters shall be labeled with phenolic laminated plastic engraved plates when factory labeling is not provided, or not visible through the interior door of the control center cabinet. Plates shall be black with white letters and indicate switch identification and positions. Pump control center enclosure shall also be labeled. Consult engineer for proper terminology.

(N) All above grade conduit outside of the control center cabinet shall be rigid hot dipped galvanized. PVC electrical conduit may be used below grade. All conduits entering the control center cabinet shall be plugged with duct seal.

(O) All controls and wiring shall be furnished and installed in accordance with the NEC and any applicable state and local codes.

(Ord. passed 4-8-91)

§51.137 ACCEPTABLE MANUFACTURERS

Subject to compliance with specified requirements, manufacturers offering products for the sewage pump station which may be incorporated in the work include, but are not limited to the following:

(A) Precast concrete manhole utilized for wet well shall be as manufactured by N.C. Products Company, or equal.

(B) Wet well access hatches utilized in wet well top slab shall be as manufactured by Bilco Company, or equal.

(C) Packaged pump station including but not limited to enclosure, pumps, motors, controls, valves and piping shall be as manufactured by Gorman-Rupp Company, or equal.

(Ord. passed 4-8-91)

§51.138 EXECUTION

(A) *Wet well.* The wet well precast concrete manhole sections shall be joined per the manufacturer’s instructions. The contractor shall exercise care during the construction to ensure that the installation is plumb. Steps shall be formed into the precast concrete manhole sections. Steps shall be spaced approximately 16 inches apart. Precast concrete manhole sections shall be installed such that all steps are in vertical alignment. Galvanized vents and access hatches shall be installed in the wet well top slab as shown on the plans.

(B) *Pump.* Install in accordance with manufacturer’s recommendation and the following. Each pumping unit shall be leveled, plumbed, aligned, and wedged into position to fit connecting piping. Installation procedures shall be as recommended by the pump manufacturer, the Hydraulic Institute Standards, and as required herein. Grouting shall be as specified in the grouting section. The pump base shall be grouted after initial fitting and alignment but before final bolting of connecting piping. Special care shall be taken to maintain alignment of pumping unit components. No stresses shall be transmitted to the pump flanges. After final alignment and bolting, pump connections shall be tested for applied piping stresses by loosening the flange

bolts. If any movement or opening of the joints is observed, piping shall be adjusted to proper fit.

(C) *Field tests.* At the end of the specified period of operation, a field performance test shall be made on each pumping unit. Tests shall be conducted jointly by the contractor/supplier and the owner. The pumping units and valves will be operated by owner personnel; all other personnel and equipment necessary for proper conduct of tests shall be furnished by the contractor. Each pump shall be tested at shutoff head and at as many points in the specified operating head range as necessary to verify the pump performance curve. All test reports shall be made in conformity with the requirements and recommendations of the Hydraulic Institute and the IEEE Standards. The test setup procedures, schedule, and instrumentation shall be agreed upon by the contractor and owner. The flow shall be measured by computing the volume pumped out of the wet well in a specified time.

(Ord. passed 4-8-91)

TITLE VII: TRAFFIC CODE

CHAPTER

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71. TRAFFIC RULES

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CHAPTER 70: GENERAL PROVISIONS

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§70.01 DEFINITIONS

The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the Fire Department, police vehicles and such ambulances designated or authorized by the Chief of Police.

BLOCK. The length of that portion of any street which is located between two street intersections.

BUSINESS DISTRICT. The territory contiguous to a highway when 50% (or more) of frontage thereon, for a distance of 300 feet or more, is occupied by buildings which are in use for business purposes.

CITY. Includes *TOWN*

CROSSWALK. That portion of a roadway which lies between the prolongation of the lateral sidewalk or boundary lines over an intersection. Any portion of a roadway distinctly indicated for pedestrian crossing, by lines or other markings on the surface.

DRIVER. Every person who drives or is in actual physical control of a vehicle.

INTERSECTION. The area embraced within the prolongations of the lateral curb or boundary lines of two or more roadways or highways which join or which join and cross one another at an angle.

MOTOR VEHICLE. Every vehicle which is self-propelled, including those operated by electric power obtained from overhead trolley wires, but not operated upon rails.

OFFICIAL TIME STANDARD. Whenever certain hours are named herein they shall mean standard time or daylight saving time as may be in current use in this town.

OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this title, placed or erected by authority of the governing body, or an official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

OFFICIAL TRAFFIC SIGNALS. Any device, whether manually or automatically operated, by which traffic is alternately directed to stop and to proceed.

PARK. The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of loading or unloading.

PEDESTRIAN. Any person afoot.

PERSON. Every natural person, firm co-partnership, association or corporation.

POLICE OFFICER. Every officer of the Police Department or any officer authorized to direct traffic or to make arrests for violation of traffic regulations.

PRIVATE ROAD OR DRIVEWAY. Every road or driveway not open to the use of the public for purposes of vehicular travel.

PUBLIC CONVEYANCE. Any vehicle which is engaged in the business of transporting persons for fare.

RAILROAD. A carrier of persons or property, other than street cars, with cars operated on stationary rails.

RAILROAD TRAIN. A steam engine, electric or other locomotor, with or without cars coupled thereto, operated upon rails, not including street cars.

RESIDENCE DISTRICT. The territory contiguous to a highway not comprising a business district, when the frontage on such highway, for a distance of 300 feet or more, is mainly occupied by residential dwellings but also by dwellings and/or buildings which are in use for business purposes.

RIGHT-OF-WAY. The privilege of the immediate use of the roadway not inconsistent with regulations and conditions.

ROADWAY. That portion of a street which has been improved and designed for or which is ordinarily used for vehicular travel.

SAFETY ZONE. The area officially set apart within a roadway for the exclusive use of pedestrians, which area is either protected or plainly marked at all times while so set apart as a safety zone.

SIDEWALK. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines exclusively intended for the use of pedestrians.

SIGNS. See **TRAFFIC SIGNS**

STANDING. Any stopping of a vehicle whether occupied or not.

STOP. Complete cessation of movement when required.

STOP OR STOPPING. Any stopping of a vehicle, except when conflict with other traffic is imminent, or when otherwise directed by a police officer.

STREET OR HIGHWAY. The entire area between lateral property lines which is open to the use of the public, as a matter of right for purposes of vehicular traffic.

TOWN. Includes **CITY**

TRAFFIC. Pedestrians, ridden or herded animals, vehicles, street cars and other conveyances, either singly or together, while using any street for purposes of travel.

TRAFFIC SIGNS. Traffic signs are authorized signs or markers which are assumed to be permanently or temporarily placed or erected or installed at certain places and which purport to give notice of direction or to convey a prohibition or warning; the presence of such signs, though not compulsory, is generally dictated by necessity or common sense, with a view to furtherance of public safety.

VEHICLE Every device in or upon which any person or property may be transported; provided that for the purpose of this title, a bicycle or ridden animal shall also be deemed a vehicle.

('63 Code, Ch. G, Art. I)

§70.02 REGISTRATION OF VEHICLES

(A) Every resident owner of a motor vehicle operated in the town, except motor vehicles temporarily operated for a period, or periods, of time not exceeding a period of 30 days during any one year, and except motor vehicles operated for car display or car exhibition purposes by car manufacturers or dealers, displaying dealer's license plates issued by the state, or school busses or library trucks, shall be registered with the Town Registrar of Motor Vehicles. The period of registration shall include the 12 months between January 1 and December 31 of the year of registration. The fee for registration shall be that amount directed by the Board of Commissioners and will not be prorated.

(B) For every registered motor vehicle the Registrar shall issue to the person registering the vehicle, an appropriate number plate or sticker. Upon satisfactory evidence that any such registration number plate has been lost or destroyed, the Registrar shall issue a duplicate to the owner of such registered vehicle.

(C) A number plate or sticker shall not be transferred from one vehicle to another, and shall not be used by any person upon any motor vehicle except upon the one for which it was issued.

(D) Every motor vehicle operated on the streets of the town for which registration is required, shall throughout the current issue year display the assigned town number plate or sticker in such manner as to be visible at all times.

('63 Code, Ch. G, Art. II)

§70.03 AUTHORITY OF POLICE

In the event of a fire or other emergency, or when it is necessary to expedite traffic or to safeguard pedestrians, police officers may direct traffic as conditions may require, notwithstanding the provisions of this title.

('63 Code, Ch. G, Art. III, §1)

§70.04 PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS

The provisions of this title shall apply to the driver of any vehicle owned by, or used in the service of, the federal government, this state, county or town and it shall be unlawful for any driver to violate any of the provisions of this title or the state statutes.

('63 Code, Ch. G, Art. III, §2)

§70.05 EXEMPTIONS FOR AUTHORIZED EMERGENCY VEHICLES

(A) The provisions of this title regulating the operation, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this chapter, except as follows.

('63 Code, Ch. G, Art. III, §3)

§70.06 PERSONS PROPELLING PUSHCARS OR RIDING BICYCLES OR ANIMALS

Every person propelling any pushcart, or riding a bicycle or an animal, upon a roadway, also every person driving any animal-drawn vehicle, shall be subject to the provisions of this title which are applicable to any driver of any vehicle, except for those provisions of this title which, by their very nature, can have no application.

('63 Code, Ch. G, Art. III, §4)

TRAFFIC-CONTROL DEVICES

§70.20 OBEDIENCE REQUIRED

(A) Obedience to official-traffic control devices.

- (1) The driver of any vehicle shall obey the directions of any official traffic-control device placed in accordance with the traffic regulations of this town, subject to certain exceptions which are granted of an authorized emergency vehicle in §70.05 unless either are otherwise directed by a police officer.
- (2) No provision of this title which provides for signs shall be enforced against an alleged violator if at the time and place of the alleged violation; such official sign is not in proper position or is insufficiently legible to an ordinarily observant person. Whenever a particular section does not stipulate signs, such section shall be effective without signs being placed to give notice thereof.

('63 Code, Ch. G, Art. IV, §1)

(B) *Obedience to signs; zones and restricted areas.* Wherever authorized signs are placed which indicate that no “right”, or “left” or “U” turn is permitted, or that the particular area is a safety zone, a zone of quiet, a play street or a school zone, the driver of a vehicle shall obey the directions of any such signs or markers and when entering a school, safety or quiet zone, the driver shall enter with caution and obey the regulations therein, exercising the greatest of care while in said zone.

('63 Code, Ch. G, Art. IV, §2)

§70.21 TRAFFIC-CONTROL SIGNAL LEGEND

Whenever traffic is controlled by traffic-control signals exhibiting the words “Go”, “Caution” or “Stop” or exhibiting differently colored lights, successfully, one at a time, the following colors only shall be used, and said terms and lights shall indicate as follows:

(A) Green alone, or “Go”.

- (1) Vehicular traffic facing the signal may proceed straight through, or turn right or left unless a sign prohibits either such turn. But vehicular traffic shall yield the right-of-way to other vehicles and to pedestrians who happen to be lawfully within the intersection.

- (2) Pedestrians facing the signal may proceed across the roadway within the crosswalk area, whether marked or not.
- (B) Yellow alone, or “Caution”, when shown following the green or “Go” signal.
- (1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection, but if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection.
 - (2) Pedestrians facing such signal are thereby warned that there will not be sufficient time to safely cross a roadway, and any pedestrian then starting to cross shall yield the right-of-way to all vehicles.
- (C) Red alone, or “Stop”.
- (1) Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection, or at such other point as may be indicated by a clearly visible line, and shall remain standing until green or “Go” is shown alone.
 - (2) No pedestrian facing such signal shall enter the roadway unless he can do so without interfering with any vehicular traffic.
 - (3) Except as otherwise provided by state law or town ordinance, no operator of a vehicle approaching an intersection, crosswalks, or other designated crossings at which a traffic light has been erected or installed on any highway or street within the town, shall enter the intersection or crossing with the vehicle, while the traffic light is emitting a red light for the traffic moving on the street or highway in the direction that the approaching vehicle is traveling. Any vehicle, after making a complete stop for a red light facing the vehicle, may make a right turn after yielding to pedestrians and other vehicles.
- (D) Red with green arrow.
- (1) Vehicular traffic facing such signal may cautiously enter the intersection and continue the movement in the direction indicated by such arrow, but shall not interfere with other traffic.
 - (2) No pedestrian facing such signal shall enter the roadway unless he can do so without interfering with any vehicular traffic.

(’63 Code, Ch. G, Art. IV, §3) (Am. Ord. passed 1-14-75) Penalty, see §70.99

§70.22 FLASHING SIGNALS

Whenever flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(A) *Flashing red (stop signal)*. When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked, and the right to proceed shall be subject to the rules of safety and noninterference with other traffic.

(B) *Flashing yellow (caution signal)*. When a yellow lens is illuminated by rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

('63 Code, Ch. G, Art. IV, §4) Penalty, see §70.99

§70.99 PENALTY

Any person, firm or corporation violating any provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$50 or imprisonment not exceeding 30 days, provided that if any other penalty is specifically provided for in this title, such shall apply to the violation described.

('63 Code, Ch. G, Art. VIII, §6 (b))

CHAPTER 71: TRAFFIC RULES

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§71.01 THROUGH STREETS

(A) Those streets and parts of streets, described in Chapter 73, Schedule II, are hereby declared to be through streets for the purposes of this section.

(B) When stop signs are placed upon highways which intersect a through street, the driver shall bring his vehicle to a stop before entering the intersection, and he shall not proceed into, or across, the through until he has first determined that no conflict with traffic will ensue.

(’63 Code, Ch. G, Art. VI, §1) Penalty, see §70.99

§71.02 STOP INTERSECTIONS

Certain intersections described in Chapter 73, Schedule III, are hereby declared to be stop intersections when entered from the streets first named; when stop signs are placed at such intersections every driver of a vehicle shall stop before entering the intersection, and he shall not proceed into, or across, the through street until he has first determined that no conflict with traffic will ensue.

(’63 Code, Ch. G, Art. VI, §2) Penalty, see §70.99

§71.03 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall move his vehicle across an intersection, or a marked crosswalk, unless he knows that there is sufficient space on the other side of the intersection, or crosswalk, to accommodate his vehicle without obstructing the passage of other vehicles, or pedestrians, although a traffic-control signal may be indicating his right to proceed.

(’63 Code, Ch. G, Art. VI, §3) Penalty, see §70.99

§71.04 ONE-WAY STREETS

Upon certain streets, vehicular traffic shall move only in the direction indicated by traffic signs.

(’63 Code, Ch. G, Art. VI, §4) Penalty, see §70.99

§71.05 DRIVING THROUGH FUNERAL PROCESSIONS

No vehicle may be driven through a funeral procession, except Fire Department vehicles, police patrols and ambulances, and only if the same are responding to calls.

(’63 Code, Ch. G, Art. VI, §5) Penalty, see §70.99

§71.06 TURNING MOVEMENTS

In making left turns at street intersections, all traffic, when approaching an intersection, shall keep close to the center line of the street and the left turn shall then be made beyond the center of the intersection as may, or may not, be indicated by buttons, markers or other directing signs, and shall proceed in the new direction along the right-hand lane, except certain intersections which may be expressly designated by the town.

(’63 Code, Ch. G, Art. VI, §6) Penalty, see §70.99

§71.07 LIMITATIONS ON TURNING AROUND AND BACKING

(A) No driver shall turn any vehicle and proceed in the opposite direction within the business district, except at street intersections; no vehicle, however, shall make such a turn at certain street intersections as described in Chapter 73, Schedule V.

(’63 Code, Ch. G, Art. VI, §8)

(B) The driver of a vehicle shall not back it into any intersection, or over a crosswalk, nor shall be back it otherwise unless such movement can be made in safety, and unless ample warning has been given by hand and horn or other signals.

(’63 Code, Ch. G, Art. VI, §9) Penalty, see §70.99

§71.08 EMERGING FROM ALLEY OR PRIVATE DRIVEWAY

The driver of a vehicle emerging from an alley, driveway or building, shall stop such vehicle immediately prior to reaching the sidewalk, or the sidewalk areas extending across any alleyway, and, upon entering the roadway, he shall yield the right-of-way to all vehicles approaching on the roadway.

(’63 Code, Ch. G, Art. VI, §10) Penalty, see §70.99

§71.09 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway, nor shall he obstruct the driveway.

(’63 Code, Ch. G, Art. VI, §11) Penalty, see §70.99

§71.10 LIGHTS ON PARKED VEHICLES

Parking lights upon a vehicle, when such is lawfully parked at night on a street, in accordance with this chapter, shall not be required except where specifically demanded by the town.

(’63 Code, Ch. G, Art. VI, §16)

§71.11 MOVING CARS FROM PARKED POSITIONS

Parked cars shall move out in the direction headed, or if they are parked at an angle with the curb, they shall back out at that angle until they have cleared the other cars and shall then proceed in the direction they are most nearly headed in.

(’63 Code, Ch. G, Art. VI, §17) Penalty, see §70.99

§71.12 DRIVING ON ROADWAYS LANED FOR TRAFFIC

All vehicles operated on any roadway which has been clearly marked with traffic lanes, shall be driven as nearly as practical, entirely within a single lane and shall not be moved out of such lane until the driver has first ascertained that such movement can be made with safety.

(’63 Code, Ch. G, Art. VI, §19) Penalty, see §70.99

§71.13 DRIVING OVER FIRE HOSE

No vehicle shall be driven over any hose of the Fire Department, when such is being used at any fire, without the consent of the Fire Department official in command.

('63 Code, Ch. G, Art. VI, §20) Penalty, see §70.99

§71.14 BOARDING OR ALIGHTING FROM PUBLIC CONVEYANCE; UNLAWFUL RIDING

(A) No person shall board, or alight from, any public conveyance, or other vehicle, while such conveyance, or vehicle, is in motion. ('63 Code, Ch. G, Art. VIII, §1)

(B) No person shall ride on any public conveyance, or vehicle, not designated, or intended, for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, nor to persons riding within truck bodies in spaces intended for merchandise.

('63 Code, Ch. G, Art. VIII, §2) Penalty, see §70.99

§71.15 ENTERING, JUMPING ON OR RIDING WITHOUT PERMISSION

No person shall enter, jump on or ride any automobile or other vehicle, without the consent of the owner or driver.

('63 Code, Ch. G, Art. VIII, §3) Penalty, see §70.99

§71.16 PERSONS RIDING TO STAY INSIDE; MAXIMUM PERSONS IN FRONT SEAT

(A) No person shall allow any part of his body to protrude beyond the limits of the vehicle in which he is riding, except to give such signals as are by law required, and no person shall hang on to any vehicle whatsoever.

('63 Code, Ch. G, Art. VIII, §4)

(B) It shall be unlawful for the driver, or the person in charge, of any motor vehicle to permit more than three persons (including driver) to ride in the front of driver's seat of a motor vehicle.

('63 Code, Ch. G, Art. VIII, §5) Penalty, see §70.99

§71.17 CERTAIN METHODS OF MOTOR VEHICLE OPERATION PROHIBITED

(A) On the streets or within the areas described in division (B) below, no person shall operate a motor vehicle from a standing or parked position by rapid acceleration or other mechanical means of operation so as to cause the wheels of the vehicle to spin in place prior to or during the initial forward movement of the vehicle; nor shall any person operate a vehicle so as to cause the vehicle in its initial movement from a standing or parked position to travel at a rate of speed greater than is reasonable and necessary for the normal operation of a motor vehicle according to accepted standard practices for vehicle operation, or at a rate of speed or in such a manner that will endanger or likely endanger persons or property, or in a manner willfully disregard the rights of others and without due caution. These methods of vehicle operation are sometimes referred to as “scratching off”.

(’63 Code, Ch. G, Art. X, §1)

(B) No person shall operate a motor vehicle in any manner described in §71.17(A) upon any public street, highway, road, alley, drive or other public way or upon the grounds and premises of any service station, drive-in-theatre, store, restaurant or other business establishment provided parking or loading and unloading automobile space for customers, patrons or the public.

(’63 Code, Ch. G, Art. X, §2) (Ord. passed 4-10-78) Penalty, see §70.99

§71.30 CLINGING TO MOVING VEHICLES

Any person riding upon bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle, shall not attach the same, or himself, to any public conveyance, or moving vehicle, upon any roadway.

(’63 Code, Ch. G, Art. VI, §12) Penalty, see §70.99

§71.31 RIDING ON HANDLE BARS PROHIBITED

The operator of a motorcycle, or bicycle, when upon a street, shall not carry any person upon the handle bars, frame, or tank of his vehicle, nor shall any person so ride upon any such vehicle.

(’63 Code, Ch. G, Art. VI, §13) Penalty, see §70.99

§71.32 RIDING ON SIDEWALKS, OR WITHOUT HANDS ON HANDLEBARS

No person shall ride a bicycle or motorcycle on any street without having his hands on the handle bars, nor shall any person ride a bicycle upon any sidewalk, or walkway, within the business section of the town. The bicycle shall be equipped with an electric lamp, which shall be lighted when the bicycle is used on the streets during the nighttime.

(’63 Code, Ch. G, Art. VI, §14) Penalty, see §70.99

§71.33 USE OF SKATEBOARDS, ROLLER SKATES, COASTERS, AND SIMILAR DEVICES RESTRICTED

- (a) No person on skateboards, roller skates or riding in a coaster, toy vehicle or similar device, shall may attach himself or such vehicle or device to any moving motor vehicle.
- (b) No person shall ride a skateboard, roller skates, and in-line skates or like means of propulsion upon any sidewalk within any area zoned C-1 on the town's official zoning map.

(’63 Code, Ch. G, Art. VI, §15; Amended 9-9-2014) Penalty, see §70.99

Parades, Picket Lines and Group Demonstrations

§71.45 DEFINITIONS

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

BLOCK. That portion of any street lying between its intersections with other streets.

GROUP DEMONSTRATION. Any assembly together or concert of action between or among two or more persons for the purpose of protecting any matter or of making known any position or promotion of such persons, or on behalf of any organization or class of persons, or for the purpose of attracting attention to such assembly.

PARDE. Any assemblage of two or more persons participating in or operating any vehicle in any march, ceremony, show, exhibition or procession of any kind in or upon the public street, sidewalks, alleys, parks, or other public grounds or places.

PERSON. Any person, firm, corporation, partnership, association, or other, organization, whether formal or informal.

PICKET LINE. Any two or more persons formed together for the purpose of making known any position or promotion of such persons, or on the behalf of any organization of class of persons.

§71.46 PERMIT REQUIRED

It shall be unlawful for any person to organize, conduct, or participate in any parade, picket line or group demonstration in or upon any street, sidewalk, alley, or other public place within the town unless a permit therefor has been issued by the town in accordance with the provisions of this ordinance. Penalty see §70.99.

§71.47 REQUIREMENTS AND ISSUANCE OF PERMITS

The Chief of Police or his designee is authorized to issue permits as required in §71.46 and in the issuance thereof he shall:

(A) Require a written application for permit to be filed not less than 45 days in advance of any parade on Main Street, to meet N.C. Department of Transportation requirements. The closing of any part of a state maintained roadway requires permission of the District Engineer for the Department of Transportation. A written application for permit for any picket line or demonstration that does not require the closing of any public street or thoroughfare shall be filed not less than five business days in advance of the proposed event.

- (1) Said application shall contain at least the following information: name of applicant, name of any sponsoring organization, requested times, number of participants and, contact information.
- (2) Said application shall specify whether or not minors below the age of 18 years will be permitted to participate.

(B) Require that the applicant for said permit to be present at all times during the permitted event and carry the permit with him at that time. Said permit shall not be valid in the possession of any other person.

(C) Refuse to issue permits for parades, picket lines or group demonstrations to commence before 6:00 a.m. or terminate after 7:00 p.m. unless at his discretion he determines that there are special circumstances.

(D) Include, for the safety of the participants and the public, in each permit specific requirements for the parade, picket line, or demonstration set by the Chief of Police in his discretion including but not limited to:

- (1) A location or route for the permitted activity.
- (2) A location for the set up and parking of any vehicles.
- (3) A traffic plan including road closures and street barricades.
- (4) A plan for the temporary designation of “No Parking” in marked and unmarked public spaces.
- (5) A public safety plan for the event to ensure the safety of participants and the public.

(Am. Ord. passed 9-14-2009)

§71.48 CERTAIN ACTIVITIES PROHIBITED

No persons participating or observing in the above permitted parade shall carry any such weapon, firearm, explosive device, dog or other vicious animal, leashed or unleashed.

§71.49 REVOCATION OF PERMIT

The Chief of Police shall revoke any previously issued permit for cause including violation of the terms of the permit or this ordinance.

CHAPTER 72: STOPPING, STANDING AND PARKING

Section

General Provisions

72.01 Stopping, standing or parking in specified places

72.02 Unlawful Parking

72.03 Moving Vehicles into restricted areas prohibited

§72.01 Stopping, standing or parking prohibited in specified places.

No person shall stop, stand or park a vehicle except when conflict with other traffic is imminent. or when so directed by a police officer or traffic-control device in any of the following places:

(A) On a sidewalk;

(B) Within an intersection;

(C) On a crosswalk;

(D) Within 30 feet of any flashing beacon, stop sign or traffic-control signal located at the side of the street or roadway;

(E) No vehicle shall park on either side of any street leading to a railroad underpass, or an overhead bridge, within 50 feet in any direction of the outer edge of such underpass or overhead bridge;

(F) No vehicle shall park on either side of any street leading to a grade crossing, within 50 feet of the closest rail; provided, that where existing permanent structures are located closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited and if such parking does not block the view in either direction of the approach of a locomotive or train;

(G) Alongside or opposite any street excavation or obstruction, if such stopping, or standing, or parking would obstruct traffic;

(H) Upon any bridge or other elevated structure or within any underpass structure;

(I) Within 15 feet in either direction of the entrance to a hotel, theatre, hospital, sanatorium or any public building;

(J) On the roadway side of any vehicle stopping, standing, or parking at the edge or curb of a street;

(K) Within 15 feet of any fire plug or hydrant.

('63 Code, Ch. G, Art. V, §18) Penalty, see §72.99

§72.02 UNLAWFUL PARKING.

No person shall stand or park a vehicle upon any street for the principal purposes of:

(A) Displaying it for sale;

(B) Washing, greasing or repairing such vehicle, excepting repairs necessitated by an emergency;

(C) Storage thereof by garages, dealers or other persons;

(D) Storage of any detached trailer, or van, when the towing unit has been disconnected;

(E) Transferring merchandise, or freight, from one vehicle to another;

(F) Advertising.

('63 Code, Ch. G, Art. V, §§16, 17) Penalty, see §70.99

§72.03 MOVING VEHICLES INTO RESTRICTED AREAS PROHIBITED.

No person shall move a vehicle not owned by such person, into any prohibited area, or sufficiently away from a curb to make such distance unlawful.

('63 Code, Ch. G, Art. V, §19) Penalty, see §70.99

§72.04 Vehicles not to stop in streets, not to obstruct passage of other vehicles.

(A) No vehicle shall stop in any street, except for the purpose of parking as prescribed in this chapter, unless such stop is made necessary by the approach of fire apparatus, by the approach of a funeral or other procession which is given right-of-way, by the stopping of a public conveyance, by the lowering of railway gates, by being given countermanding traffic signals, by

the passing of some other vehicle or a pedestrian, or by some emergency; in all cases covered by these exceptions the vehicles shall stop so as not to obstruct any footway, pedestrian aisle, safety zone, crossing or street intersection of it can be avoided. ('63 Code, Ch. G, Art. V, §1)

(B) No vehicle shall so stand on any street as to interrupt, or interfere with, the passage of public conveyances or other vehicles.

('63 Code, Ch. G, Art. V, §2)

Penalty, see §72.99

§72.05 PARKING OF TAXICABS WITHIN SAME BLOCK.

Not more than two taxicabs, owned by the same company, shall be parked in one block at the same time, except if parked in established taxi stands.

('63 Code, Ch. G, Art. V, §9) Penalty, see §72.99

§72.06 MANNER OF PARKING

(A) Where not otherwise indicated by this chapter, all vehicles shall park parallel to the curb and not more than 12 inches therefrom. ('63 Code, Ch. G, Art. V, §10)

(B) In no case shall a vehicle remain backed up to the curb, except when actually loading or unloading.

('63 Code, Ch. G, Art. V, §11)

Penalty, see §72.99

§72.07 LEFT SIDE TO CURB NOT PERMITTED IN BUSINESS DISTRICT.

No vehicle shall stop with its left side to the curb in the business district.

('63 Code, Ch. G, Art. V, §12) Penalty, see §72.99

§72.08 PARKING WITHIN LINES.

On any street which is marked off with lines indicating the parking spaces for cars, the cars shall be parked between the lines.

('63 Code, Ch. G, Art. V, §13) Penalty, see §72.99

§72.09 DOUBLE PARKING PROHIBITED.

No double parking shall be allowed on any street.

('63 Code, Ch. G, Art. V, §14) Penalty, see §72.99

§72.10 DIAGONAL PARKING PERMITTED ON CERTAIN STREETS.

Automobiles and other vehicles shall be parked at an angle of approximately 45 degrees with the curb on the streets enumerated in Chapter 74, Schedule IV.

('63 Code, Ch. G, Art. V, §15)

§72.11 HANDICAPPED PARKING

(A) The following parking spaces are designated as handicapped parking only:

- (1) West side of South Main at 123 S. Main (in front of Warren Record);
- (2) East side of South Main at 122 S. Main (in front of BB&T Bank);
- (3) East side of North Main at 116 N. Main (in front of Terrance Tailoring);
- (4) West side of North Main at 107 N. Main (in front of Fantastic Phases);
- (5) Third and fourth parking spaces from intersection of Market and Main on North side of Market St. by the library; and
- (6) South of the Wesley Memorial United Methodist Church on the north side of Church St. two parking spaces for use on Sundays only.

(B) Vehicles parking in a designated handicapped parking space without the proper handicapped license or hanger or individuals who are not handicapped illegally using a handicapped license or hanger will be subject to a fine of \$50.

(Am. Ord. passed 1-10-2000)

§72.99 PENALTY.

(A) Every person who is found violating the traffic regulations herein described shall pay the civil penalty designated as follows:

<u><i>Violation</i></u>	<u><i>Fine</i></u>
Handicapped	\$ 50
Fire Lane (public/private)	\$ 50
Fire hydrant	\$ 50
Loading zone	\$ 10
Blocking driveway (public/private)	\$ 10
No parking zone	\$ 15
Parking on wrong side of the street	\$ 15
Parking on sidewalk	\$ 20
Blocking sidewalk/crosswalk	\$ 10
Double parking	\$ 15
Parking too close to corner	\$ 30
2 hr. parking limit	\$ 15

('63 Code, Ch. G, Art. VIII, §6(a)) (Am. Ord. passed 2-6-98) (Am. Ord. passed 1-10-2010)

(B) Any person, firm or corporation violating any provision of this chapter or Chapter 74 for which no specific penalty is otherwise provided, shall be punished as set forth in §70.99.

CHAPTER 73: TRAFFIC SCHEDULES

- I. Speed limits**
- II. Through streets**
- III. Stop intersections**
- IV. Truck routes**
- V. Prohibited Turns**

SCHEDULE I. SPEED LIMITS

It shall be unlawful to operate a motor vehicle upon the streets of the town within corporate limits in excess of 20 miles per hour unless otherwise posted. Said violations are enforced under the provisions of N.C.G.S. §20-141 and addressed in the North Carolina Court of General Justice.

('63 Code, Ch. G, Art. §18) (Am. Ord. 7-11-2011)

SCHEDULE II. THROUGH STREETS.

The following are designated as through streets of the town pursuant to §71.01:

- Franklin St.
- Macon St.
- Main St.
- Ridgeway St.

('63 Code, Ch. G, Schedule IX)

SCHEDULE III. STOP INTERSECTIONS.

All cars required to stop as follows, pursuant to §71.02:

<i>Stop Required On</i>	<i>Entering</i>	<i>Date Passed</i>
Academy St.	Main St.	
Academy St.	Bragg St.	
Battle Ave.	Main St.	
Battle St.	Eaton Ave.	
Bragg St.	Macon St.	
Brehon St.	Ridgeway St.	
Church St.	Bragg St.	
Church St.	Hall St. (4 way intersection)	10-13-1997
College St.	Main St.	
Cousin Lucy's Lane	Main St.	
Crockett St.	Spring St.	
Eaton St.	Halifax St.	
Fairview St.	Brehon St.	
Fairview St.	Front St.	
Franklin St.	Bragg St.	
Franklin St.	Hall St.	
Front St.	Franklin St.	
Front St.	College St.	
Front St.	Ridgeway St.	
Graham St.	Brehon St.	
Graham St.	Front St.	
Haley St.	Franklin St.	
Hall St.	Macon St.	

<i>Stop Required On</i>	<i>Entering</i>	<i>Date Passed</i>
Hall St.	Church St. (4 way intersection)	10-13-97
Hall St.	Bute St.	
Hall St.	Halifax St.	
Harris St.	Ridgeway St.	
Hawkins St.	Cousin Lucy's Lane	
Hazelwood St.	Main St.	
King St.	Battle Ave.	
Macon St.	Front St.	
Market St.	Main St.	
Market St.	Front St.	
Marshall St.	Main St.	
Marshall St.	Eaton Ave.	
Peck Mill Village Rd.	Main St.	
Plummer St.	Bragg St.	
Plummer St.	Main St.	
Plummer St.	Halifax St.	
Plummer St.	Hall St.	
Warren St.	Main St.	
White St.	Battle Ave.	
Wilcox St.	Main St.	
Wilcox St.	Rodwell St.	

('63 Code, Ch. G, Schedule X) (Am. Ord. passed 10-13-97) Penalty, see §70.99

SCHEDULE IV. TRUCK ROUTES.

Except on the truck routes designated below, it shall be unlawful for any person to drive or operate or cause or permit to be driven or operated any motor vehicle having more than two axles, or more than two wheels on the rear axles. Vehicles such as repair trucks or service trucks, delivery trucks or garbage trucks which are performing a service or making a delivery to a location within the described area are exempt from the provisions of this schedule. These routes designated are to be posted at the city limits as “Truck Routes.”

U.S. 158 (East Macon St.)

U.S. 158 and U.S. 401 (Ridgeway St.)

U.S. 401 and South Main St.

S.R. 1001 (West Franklin St.)

S.R. 1305 (North Main St.)

S.R. 1600 (Halifax St. or Baltimore Rd.)

('63 Code, Ch. G, Art. XII) Penalty, see §70.99

SCHEDULE V. PROHIBITED TURNS.

(A) Right turns on red are prohibited at the following intersections:

Intersections

Franklin St. (east bound) and Main St.

Main St. and Macon St. at all corners.

(Ord. passed 4-8-96)

(B) “U” turns are prohibited at the following intersections:

Main St. with Church St.

Main St. with Franklin St.

Main St. with Macon St.

Main St. with Market St.

Main St. with Ridgeway St.

Main St. with Wilcox St.

(’63 Code, Ch. G, Art. XIII) Penalty, see §70.99

CHAPTER 74: PARKING SCHEDULES

- I. Parking prohibited at all times**
- II. Reserved parking areas**
- III. Parking time limited**
- IV. Diagonal parking permitted**
- V. Fire Lanes**

SCHEDULE I. PARKING PROHIBITED AT ALL TIMES

When signs are placed which prohibit parking, or when the curbing has been painted yellow in lieu of such signs, no person shall park a vehicle at any time upon any of the streets described in this schedule. Cars parked in any of the restricted areas listed in (A) or (B) below are subject to be towed away at owners expense.

(A) No parking for 15 feet on either side of a fire hydrant shall be allowed. No parking shall be allowed for 15 feet from the corner of the intersection of all Town streets and highways within the corporate limits.

(B) No parking is allowed where curbs are marked yellow or restricted by signs and specifically as follows:

(C) In addition to the towing, violation of this of this ordinance shall be punishable by a civil penalty as provided for in §72.99 which may be amended from time to time.

(63' Code, Ch. G, Art. V, §3; Ord. Amended 7-11-2011)

SCHEDULE II. RESERVED PARKING AREAS.

Reserved parking is authorized at the locations listed in the schedule below for the following officials: Superior Court Judge; District Court Judge; Court Reporter; District Attorney; and the County Sheriff. No other reserved parking spaces, other than authorized handicapped parking, are authorized.

Violation of this of this ordinance shall be punishable by a civil penalty as provided for in §72.99 which may be amended from time to time.

(Ord. passed 8-10-98)

SCHEDULE III. TIME-LIMITED PARKING AREAS.

It shall be unlawful for any person to park a vehicle in a parking space located along Town streets which is designated by a sign to be time limited for longer than the time indicated on such sign. Time Restrictions are not applicable on Saturdays, Sundays or Town designated holidays. A change of position of the vehicle from one point directly to another point within the same block shall be deemed one continuous parking period. Violation of this of this ordinance shall be punishable by a civil penalty as provided for in §72.99 which may be amended from time to time.

EXCEPT – Pursuant to N.C.G.S. §20-37.6 and 20-37.7, any vehicle driven by or one that is transporting a person who is handicapped and that vehicle displays a valid state issued handicap placard or license plate may be parked for unlimited periods in parking spaces restricted as to length of time parking.

(Ord. Amended 7-11-2011)

SCHEDULE IV. DIAGONAL PARKING PERMITTED

All vehicles shall be parked at an angle of approximately 45 degrees with the curb on the streets or portions thereof listed in the schedule below:

STREET	SIDE	LOCATION
Macon St.	North	From its intersection with Main St. to its intersection with Front St.

(’63 Code, Ch. G, Schedule VI) Penalty see §72.99

SCHEDULE V. FIRE LANES

All of the alleys in the back of Main St. and cross street stores are fire lanes, and as such will be kept open at all times. Cars parked in any of the restricted areas listed above are subject to be towed away at owner’s expense. They are specifically described in the schedule below:

DESCRIPTIONS OF FIRE LANES
Bragg St. in rear town hall with exit to East Franklin St.
Complete circle off Bragg St. in rear of Warren Theatre returning to Bragg St.
From Front St. to West Franklin Street behind the buildings which face Main St.
Macon St. to Warrenton Furniture with exits to North Main St. and Bragg St.
Market St. to Macon St. in rear of East Main St. stores
Dead end off North Main St. between Sears Roebuck and Western Auto to rear of Warrenton Supply.
Off South Main St. with access to East Franklin St. and also Bragg St.

('63 Code, Ch. G, Schedule I)

TITLE IX: GENERAL REGULATIONS

CHAPTER

90 NUISANCES - ANIMALS

91 NUISANCES - FIRE PREVENTION

92 NUISANCES - GENERAL

93 NUISANCES - JUNK, ABANDONED AND NUISANCE VEHICLES

94 NUISANCES - NOISES

95 NUISANCES - STREETS AND SIDEWALKS

CHAPTER 90: NUISANCES - ANIMALS

Section

- 90.01 Dogs Running at Large**
- 90.02 Dangerous Dogs running at large**
- 90.03 Fowl running at large**
- 90.04 Animals causing nuisance**
- 90.05 Hitching animals**
- 90.06 Hogs Prohibited**
- 90.07 Grazing animals in public places**
- 90.08 Stables to be kept clean**
- 90.09 Keeping Fowl permitted in R-12 and R-8 zoning limits**

- 90.99 Penalty**

Cross-reference:

Animal fights, see §130.10

§90.01 DOGS RUNNING AT LARGE

(A) It shall be unlawful for any dogs to be running at large on the streets or sidewalks of the town unless under the control of the owner or a member of his immediate family either by leash, collar, chain or otherwise.

(B) It is hereby declared the duty of the Police Department to notify the owner of any dog found running at large on the streets or sidewalks to place same under proper control or confinement.

(’63 Code, Ch. J, Art. V, §§1, 2) (Ord. passed 12-15-75) Penalty, see §90.99

§90.02 DANGEROUS DOGS RUNNING AT LARGE

Repealed. 2011

See Warren County Ordinance

§90.03 FOWL RUNNING AT LARGE

No person shall permit ducks, geese, or chickens to remain on or in any of the streets or public places at night, or to run at large in the daytime.

(’63 Code, J, Art. III, §2) Penalty, see §90.99

§90.04 ANIMALS CAUSING NUISANCE

It shall be unlawful for any person or persons, firm, association or corporation to keep or maintain on any premises or lot any animal of whatsoever description that, through loud, continuous and habitual noise of such animal, or in any other manner, constitutes a neighborhood or public nuisance. Failure to abate such nuisance after warning from the Chief of Police or his authorized representative shall be unlawful.

(’63 Code, J, Art. III, §7) (Ord. passed 8-10-65) Penalty, see §90.99

§90.05 HITCHING ANIMALS

No person shall hitch any horse or other animal to any of the trees, lamp posts, electric light or power or telephone poles, mail boxes, wires or hydrants owned by the town or permitted by the town to be erected on or in any of the streets, sidewalks, squares, or parks.

(’63 Code, J, Art. III, §3) Penalty, see §90.99

§90.06 HOGS PROHIBITED

No person shall keep any pigs or hogs within the corporate limits.

(’63 Code, J, Art. III, §4) Penalty, see §90.99

§90.07 GRAZING ANIMALS IN PUBLIC PLACES

No person shall stake, or otherwise fasten, any animal for grazing purposes on or in any of the streets, sidewalks, parks, squares or cemeteries; nor shall any person feed any such animal upon or in any of the streets, sidewalks, parks or squares.

(’63 Code, J, Art. III, §5) Penalty, see §90.99

§90.08 STABLES TO BE KEPT CLEAN

Every stable and place where cattle, horses, or other animals may be kept, shall be maintained at all times in a clean and healthful condition.

(’63 Code, J, Art. III, §6) Penalty, see §90.99

§90.09 KEEPING FOWL PERMITTED IN R-12 AND R-8 ZONING LIMITS

Backyard chickens (hens) are permitted for single-family residences in R-12 and R-8. A limit of 15 chickens is permitted. Guineas, Roosters, peacocks, and ducks are not permitted. Chicken houses must be temporary structures and require no zoning permit. Structures used for housing the chickens shall be located in the rear yard and shall not be located closer than 15 feet from any property line.

Chickens must be kept in a confined area and may not roam outside of the owner’s rear property. Chicken coops, pens and tractors are not to include residential structures or garages. All chickens must be secured in the chicken coop during non-daylight hours; however, during daylight hours, chickens may be located in the chicken pen. Chicken coops, pens and tractors (whether stationary or moveable) are only permitted in rear yards behind the line formed by the back wall of the residence. They cannot be located within fifteen (15) feet of any side or rear property lines. In addition, the chicken coop, tractor and/or pen must be properly designed and constructed to provide adequate security from rodents, wild birds and predators, sufficient ventilation, and suitable shelter for the hens.

Eggs, chicks, adult chickens and processed chickens are for personal use only and are not permitted to be sold. In addition, chicken manure and compost using chicken manure is not permitted to be sold.

Chickens must have adequate access to feed, clean water, and bedding at all times. The chicken coop, chicken pen, and surrounding area must be cleaned of hen droppings, feathers and other waste, and must be kept in a neat and sanitary condition at all times to preclude odors and aesthetic nuisances. All chicken feed is required to be stored in a secure container. All stored manure must be completely contained in a waterproof container.

Residents owning Backyard Chickens upon the adoption of this ordinance and who are out of compliance with this ordinance, e.g. have roosters, have more than the number of chickens allowed, have a coop located in a non-approved portion of the property, are considered “grandfathered in.” However, as circumstances change, the owner will be expected to make adjustments to become compliant. For example, once a rooster dies, it may not be replaced, and if roosters are causing a nuisance for the neighborhood and there are complaints, the owner will be asked to get rid of them. Additionally, if a coop or pen that is out of compliance needs repair that involves replacing a minimum of half of the structure, the new structure must be completed

in a manner that is compliant with the ordinance. Finally, if the number of fowl exceeds 15, the extras that die may not be replaced.

(Ord. amended on 9-9-2013) Penalty, see §90.99

§90.09 SANITARY DISPOSAL OF ANIMAL WASTE

No keeper of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property without permission of the occupant of said property, unless such keeper immediately removes and disposes of all feces deposited by such animal by the following methods:

- (a) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
- (b) Removal of such bag or container and disposition thereafter in a manner as otherwise permitted by law.

(Ord. passed 7-13-2009) Penalty, see §90.99

§90.99 PENALTY.

Any person or persons, firm, association or corporation who shall violate or fail, neglect or refuse to comply with this chapter, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than \$50 or imprisonment not more than 30 days, as provided by N.C.G.S. §14-4.

(’63 Code, J, Art. III, §8; Ch. J, Art. V, §3) (Ord. passed 8-10-65)

CHAPTER 91: NUISANCES – FIRE PREVENTION

Section

- 91.01 Building within fire limits**
- 91.02 Deposit of combustible matter**
- 91.03 Accumulation of rubbish**
- 91.04 Removal of certain waste material**
- 91.05 Sale of fireworks**
- 91.06 Storage of explosives**
- 91.07 Storage of gasoline**
- 91.08 Blasting**
- 91.09 Carrying fire; building fires on streets**
- 91.10 Key Lock Box System**
- 91.11 Sprinkler Requirements (Multi-Family Residential)**
- 91.12 Sprinkler Requirements (Non-Residential)**

Cross-reference:

False alarms, see §130.05

Fire Department, see §§32.20 through 32.29

§91.01 BUILDING WITHIN FIRE LIMITS

No buildings of any kind except such as are constructed of brick, cement, concrete or stone shall be built or erected within the following limits: Between Church Street on the north, and College Street on the south, and between a line running parallel with Bragg Street 100 feet east from the center thereof to where the same intersects said College and Church Streets and a line running parallel with Front Street 100 feet west from the center thereof to where the same intersects Church and Franklin Streets. Provided, this section shall not apply to the building of dwelling houses on the west side of Front Street or on the east side of Bragg Street, provided they are covered with metal, tile, slate or other fireproof material.

(’63 Code, Ch. I, Art. II, §1) Penalty, see §10.99

§91.02 DEPOSIT OF COMBUSTIBLE MATTER

No person shall deposit ashes, smoldering coals or embers, greasy or oily substances, or other matter liable to spontaneous ignition, within 15 feet of any wooden or plastered wall or other combustible materials, except in metallic or other noncombustible receptacles. Such receptacles, unless resting on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet from any wall or partition. Nothing in this section shall prevent the deposit of cold or wet ashes for the improvement of any unpaved alley or walkway.

(‘63 Code, Ch. I, Art. II, §2) Penalty, see §10.99

§91.03 ACCUMULATION OF RUBBISH

No person shall permit any accumulation of waste or rubbish of any kind to remain upon any roof, yard, vacant lot or other open space. Every owner or occupant of property shall cut down and remove therefrom all weeds, grass, vines, and other growth, which endanger the same or any other property, or which his likely to be fired.

(‘63 Code, Ch. I, Art. II, §3) Penalty, see §10.99

§91.04 REMOVAL OF CERTAIN WASTE MATERIAL

No person making, using, storing or having charge or control of any shavings, excelsior, rubbish, sacks, bags, litter or combustible trash or waste, shall fail at the close of each day to cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the premises or stored in noncombustible containers; provided, that this section shall not apply to sawmills, planing mills, or similar business establishments, where the usual litter or refuse is reasonably cared for and disposed of.

(‘63 Code, Ch. I, Art. II, §4) Penalty, see §10.99

§91.05 SALE OF FIREWORKS

It shall be unlawful to buy or sell any fireworks within the town.

(‘63 Code, Ch. I, Art. II, §5) Penalty, see §10.99

§91.06 STORAGE OF EXPLOSIVES

No person or persons shall keep or suffer to be kept in his or their store or in any house within the town any dynamite or more than one keg of gun powder or blasting powder.

('63 Code, Ch. I, Art. II, §6) Penalty, see §10.99

§91.07 STORAGE OF GASOLINE

It shall be unlawful for any person, firm or corporation, to build, maintain or operate any garage, gasoline filling station, or to keep or store gasoline, or other motor oil in greater quantities than 25 gallons at one time within 75 feet of the center of Main Street in the town from a point on said Main Street directly in front of the Courthouse door in the center of Main Street and extending in a northerly course along the center of Main Street to Macon Street, and or within 75 feet of the center of Main Street from a point on Main Street directly in front of the courthouse door in the center of said street and extending along the center of Main Street in a southerly course of 300 feet.

('63 Code, Ch. I, Art. II, §8) Penalty, see §10.99

§91.08 BLASTING

(A) Every person engaged in blasting shall take all necessary precautions to make such blasting harmless to both person and property. None but experienced blasters, authorized thereto by a permit issued pursuant to the provisions of division (B) below of this section shall directly superintend or carry on as a laborer any blasting operations.

(B) Every permit for blasting shall be issued to and in the name of the contractor or other person who, by himself or through his agents, and employees, is to do the specified blasting, but every such permit shall show on the face thereof the name of the foreman or other person thereby authorized directly to superintend the blasting operations covered by the permit, together with the name of every person thereby authorized to participate in such blasting operations. A separate permit shall be required for the blasting incident to each separate construction, excavation or other project. If during the course of any authorized blasting operation any person named in the permit therefore is for any reason unable to continue his work under the permit, the Chief of the Fire Department may upon application of the holder of the permit, substitute for such person any other qualified person.

('63 Code, I, Ch. I, Art. III, §§1, 2) Penalty, see §10.99

§91.09 CARRYING FIRE; BUILDING FIRES ON STREETS

No person shall carry fire through the streets of the town nor build a fire on the streets or public lots of the town within 100 feet of any building.

(’63 Code, I, Ch. I, Art. II, §7) Penalty, see §10.99

§ 91.10: KEY LOCK BOX SYSTEM

(A) The following structures shall be equipped with a key lock box at or near the main entrance or such other location required by the fire chief:

(1) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;

(2) Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units;

(3) Governmental structures and nursing care facilities;

(4) Any building or facility containing a quantity of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act).

(B) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and subject to this section shall have one year from the effective date of this section to have a key lock box installed and operational.

(C) The fire chief shall designate the type of key lock box system to be implemented within the town and Extra Territorial Jurisdiction (ETJ) and shall have the authority to require all structures to use the designated system. Knox-Box Rapid Entry System is so designated and currently in use.

(D) The owner or operator of a structure required to have a key lock box shall, at all times, keep a key(s) in the lock box that will allow for access to the structure and all interior secure areas.

(E) The fire chief shall be authorized to implement rules and regulations for the use of the lock box system.

(F) Any persons who own or operate a structure subject to this section shall be subject to the penalties set forth in section 10.99 of this code for any violation of this section, provided that the minimum fine for a conviction for a violation of this section shall be \$100.

§ 91.11: FIRE-SPRINKLER SYSTEM (MULTI-FAMILY RESIDENTIAL)

(A) This division shall apply to new construction, additions and renovations of buildings which are within the corporate limits of the Town of Warrenton and its extra territorial planning jurisdiction.

(B) An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 or #13R is required to be installed in new multi-family construction, renovations and additions as follows.

(1) In all new multi-family residential structures of three (3) or more attached housing units if:

- a. The building has more than 6,000 square feet of floor area;
- b. Twenty (20) per cent or more of the total floor area is more than two hundred (200) feet of travel distance from the nearest access point for a fire truck; or
- c. The building exceeds two (2) stories or twenty-four (24) feet in height from the average grade of the lot to the windows on the topmost occupied floor.

(2) In any structural addition to a multi-family residential building exceeding six thousand(6,000) square feet of floor area where the cost of the addition is greater than fifty (50) per cent of the building's value. Sprinklers are required in the added area but not in the original part of the building.

(3) In the entirety of a multi-family building which is:

- a. Renovated at a cost greater than fifty (50) of value and exceeds six thousand (6,000) square feet of floor area;
- b. Damaged and rebuilt at a cost greater than fifty (50) per cent of value and exceeds six thousand (6,000) square feet of floor area. In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service.

(C) Upon the occupancy of any new, renovated or expanded structure subject to this division, no person shall shut off or disable such automatic fire sprinkler system and no owner or resident of such building shall fail to prevent the shutting off or disabling of such a system. Provided, however, that a sprinkler system may be shut off in order to perform maintenance work on the system during the time that qualified maintenance personnel are on the premises performing necessary maintenance work. Such maintenance work shall only be conducted after notice to and approval by the Warren County Fire Marshal.

(D) Penalties:

(1) Criminal penalties. Violation of any provision of this division shall be a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

(2) Civil enforcement. This division may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175,0.3, Sec. 160A-432 and G.S. Sec. 143-139.

§ 91.11: SPRINKLER REQUIREMENTS (NON-RESIDENTIAL)

(A) This division shall apply to new construction, additions and renovations of buildings which are within the corporate limits of the Town of Warrenton and its extra-territorial planning jurisdiction.

(B) An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction, as follows.

(1) In new non-residential structures if:

- a. The building has more than 12,000 square feet of floor area;
- b. Twenty (20) per cent or more of the total floor area is more than two hundred (200) feet of travel distance from the nearest access point for a fire truck; or
- c. The building exceeds two (2) stories or twenty-four (24) feet in height from the average grade of the lot to the windows on the topmost occupied floor.

(2) In a structural addition to a non-residential building of more than six thousand (6,000) square feet where the cost of the addition exceeds fifty (50) per cent of the value of the building. Sprinklers are required in the addition.

(3) In a non-residential building of more than twelve thousand (12,000) square feet which is either renovated at a cost greater than fifty (50) per cent of value or which is damaged and rebuilt at a cost greater than fifty (50) per cent of value.

In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service.

(C) Upon the occupancy of any new, renovated or expanded structure subject to this division, no person shall shut off or disable such automatic fire sprinkler system and no owner or resident

of such building shall fail to prevent the shutting off or disabling of such a system. Provided, however, that a sprinkler system may be shut off in order to perform maintenance work on the system during the time that qualified maintenance personnel are on the premises performing necessary maintenance work. Such maintenance work shall only be conducted after notice to and approval by the Warren County Fire Marshal.

(D) Penalties:

(1) Criminal penalties. Violation of any provision of this division shall be a misdemeanor and shall be subject to a fine of five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days.

(2) Civil enforcement. This ordinance may be enforced by civil penalty or appropriate equitable remedy as may be authorized by applicable N.C. General Statutes, including but not limited to G.S. Sec. 160A-175, G.S. Sec. 160A-432 and G.S. Sec. 143-139.

CHAPTER 92: NUISANCES - GENERAL

Section

92.01 Certain conditions constitute public nuisance

92.02 Investigation

92.03 Notice to abate

92.04 Request for appeal hearing

92.05 Abatement procedure

92.06 Chronic Violators

92.07 Household items left outside

92.08 Cost of removal to be charged to owner

92.09 Unpaid charges to be lien on property

92.10 Other remedies

§ 92.01 CERTAIN CONDITIONS CONSTITUTE PUBLIC NUISANCE

The existence of any of the following situations within the corporate limits is hereby declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance. It shall be the shared responsibility of the owner of record and/or the occupant to maintain grass and ground cover vegetation and to cut/remove grass, weeds or any accumulation of any noxious matter listed below as often as necessary to comply with the provisions of this subchapter. Any of the following situations shall be subject to the provisions of this subchapter.

(A) The uncontrolled growth of noxious weeds or grass to an average height in excess of 12 inches, when such uncontrolled growth situation is located:

(1) on a lot within a platted residential subdivision, adjacent to improved property, and which has been graded or cleared of natural vegetation whether or not any further construction has occurred;

(2) on a vacant lot greater than one acre in area when such uncontrolled growth is adjacent to improved property or a street (public or private), then limited to that portion of the site within 100 feet from any such adjacent improved property or public or private street;

(3) on an improved property of any size, where at least one-third of the overall property includes such uncontrolled growth, such as only the rear yard of a house parcel;

(4) on right-of-way or planting strip between sidewalk and curb or edge of pavement in front of any lot and adjacent to any public or private street. For purposes of this subchapter, “improved property” shall include any buildings, accessory structures, and/or any ground that has been surfaced with concrete, asphalt, gravel, or similar material, whether or not currently being used for any activity on-site. This subchapter shall not apply to any portions of any property which has been designated by any authorized governmental agency as undisturbed open space, water quality buffer area or BMP which utilizes a naturalized vegetative setting, or public road right-of-way designated and maintained as a naturalized planting area.

(B) Any accumulation of rubbish, trash or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(D) Any accumulation of fallen trees, dead trees, or tree limbs of a sufficient quantity to cause or threaten to cause the habitation of mosquitoes, rats, mice, or vermin, except where located only within portions of parcels that are heavily wooded.

(E) Any vacant unsecured building including but not limited to houses, apartments, nonresidential buildings and accessory buildings, which contribute to or are likely to contribute to blighted neighborhood conditions such as vagrancy, trash accumulation, alcohol or illegal drug use, trespassing, prostitution, or other criminal activities. For purposes of this subchapter, an “unsecured building” shall include a roofed structure with any opening on the exterior skin of the building such as broken windows, unlocked or missing doors, and which is large enough and within ground level reach for a human or animal to enter. Such opening may be completely unimpeded or may have a covering which is hinged or sliding but is not locked or stabilized to prevent entry.

(F) Any structure, the remains of a structure, or portion that is in a damaged condition as the result of fire, wind, flood, or other disaster and that remains in an unrepaired state for a period of 120 days from the date of the disaster, or from the date of conclusion of any criminal, legal, or insurance investigation following the disaster, when one or more of the following conditions is present on-site:

(1) glass, metal or other sharp objects are in an accessible location;

(2) any structure or any tree is unstable and may fall or collapse;

(3) any substance is present that is hazardous or harmful to humans or animals;

(4) any utility connections or lines, including but not limited to electric, natural gas, water, sewer, are in an accessible location and present a condition that may be hazardous or harmful to humans or animals.

(G) Any accumulation of demolition debris from structures or vegetation which remains on-site for longer than 30 days when no continuing construction or clean-up activity is progressing.

(H) Any dilapidated furniture, refrigerator, stove or other appliance, hot tub, Jacuzzi, machinery, equipment, building material, or other item which is either wholly or partially rusted, wrecked, junked, dismantled, or in an inoperative condition, and which is not completely enclosed within a building, when such item(s) could cause or threaten to cause: a fire hazard, or the accumulation of stagnant water, or cause or the inhabitation of mosquitoes, other insects, rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health.

(I) Any unmaintained swimming pool or its appurtenances which may be dangerous or prejudicial to public health and safety, including but not limited to pools with stagnant water, debris, dead animals or structural deficiencies, or which lacks proper swimming pool barriers as defined in the NC State Building Code.

(J) Any condition detrimental to the public health which violates the rules and regulations of the Warren County public health agencies.

§ 92.02 INVESTIGATION

The Town Administrator or other responsible Town official or designee, upon notice from any person of the existence of any of the conditions in § 92.01, shall investigate the location to determine whether, in fact, those conditions exist as to constitute a public nuisance as declared in § 92.01.

§ 92.03 NOTICE TO ABATE

Upon a determination that those conditions constituting a public nuisance exist, the Town Administrator or other responsible Town official or designee shall notify the owner of record, and/or the conditions constituting a public nuisance and shall order the prompt abatement within 15 days from the date of notice. Notice of violation of this subchapter shall be provided in writing in one or more of the following:

(A) Written notice shall be either hand delivered or mailed by first class mail to the owner of record and /or to any known occupant;

(B) Additionally, written notice may be sent electronically (fax, e-mail, or similar) to the property owner and/or occupant where such connection can be determined;

(C) Written notice may be posted in a conspicuous location on the property, where it can be expected to be sheltered from wind or rain and remain legible for a period of at least 48 hours;

(D) Written notice may be published in a newspaper which covers news in the local Warrenton area, in print and/or electronic form;

(E) Written notice may be sent by first class mail or electronically to any interested parties, including but not limited to a financial institution, mortgage company, attorney, or property management organization.

The form or forms of notice delivery shall be documented, along with time and date of posting, mailing, or other method of delivery. Receipt of first-class mailing to the owner as listed in Warren County real estate tax records shall be assumed completed in absence of information provided to the Code Enforcement Officer to the contrary. The Code Enforcement Officer shall maintain this documentation, along with any verbal or written response to such notice(s). Effort shall be made to verify receipt of notice before the close of the 7-day appeal period.

§ 92.04 REQUEST FOR APPEAL HEARING

Within seven days from receipt of the notice provided for in § 92.03, the owner, occupant or person in possession of the premises may request a hearing before the Town Board of Commissioners and the Town Code Enforcement Officer whose investigation and findings resulted in the initial abatement order. The Town Board shall fix a time for the hearing, and the initial abatement order shall be temporarily suspended pending a hearing. At the hearing, the individual affected by the order shall be given the opportunity to present evidence to refute the findings which supported the abatement order. Upon completion of the hearing, the Town Board shall consider the evidence before them and shall either revoke the initial order, issue a final order which differs from the initial order, or reinstate the initial order as a final abatement order.

§ 92.05 ABATEMENT PROCEDURE

(A) Upon the occurrence of either of the following conditions, the Town Code Enforcement Officer or other responsible Town official or designee shall cause that condition to be removed or otherwise remedied by having Town employees or independent contractors to go upon those premises and remove or otherwise abate the identified nuisance under his/her supervision:

(1) A hearing is requested and held under § 92.04 resulting in either a final order with modifications or the reinstatement of the initial order as a final order, and such order is not complied with; or

(2) No hearing is requested or held, and the person having been ordered to abate that public nuisance fails, neglects or refuses to abate or remove the condition constituting the nuisance within 15 days from receipt of the order.

(B) Any person who has been finally ordered to abate a public nuisance may within the time allowed by this chapter request the town in writing to remove that condition, the cost of which shall be paid by the person making the request. The person making the request shall sign a statement indicating the estimated cost for abatement is understood, and full payment shall be made to the Town within 10 days after site work is completed.

§ 92.06 CHRONIC VIOLATORS

The Town Code Enforcement Officer or other responsible Town official or designee may provide notification as a chronic violator to any property owner of record when the violator's property is found to meet the public nuisance criteria listed at § 92.01. For purposes of this Chapter, a chronic violator is a person who was issued a notice of violation, declaring the owner's property a public nuisance under § 92.01 at least three (3) times in the previous calendar year. The Town Code Enforcement Officer shall issue the initial annual notice as a chronic violator by registered or certified mail, and may also use additional methods of posting or delivery of such initial annual notice. The Town Code Enforcement Officer shall without further notice in the calendar year in which notice is given as a chronic violator, take action to remedy or abate the violation, and the expense of the abatement action shall become a lien upon the property and shall be collected as unpaid taxes.

§ 92.07 HOUSEHOLD ITEMS LEFT OUTSIDE

(A) In order to assure public safety, it shall be unlawful for any person to leave outside any secured building or structure, in any place accessible to humans, any appliance, refrigerator, or other container for any period of time or for any purpose unless such appliance, refrigerator, or other container is altered such that all hinged or moveable compartments or openings are firmly secured and incapable of operating. This provision shall not apply to any appliance, refrigerator, or container which has been placed in, or adjacent to, a structure when allowed by zoning standards as accessory to a permitted use and is accessible only to persons involved with such permitted use, or when such appliance, refrigerator, or container is crated, strapped, secured or locked so that it is not plausible for a person to obtain access to any airtight compartment.

(B) Upon determination by the Town Code Enforcement Officer or other responsible Town official or designee that any item as listed in 92.07(A) above is in violation of this subchapter, a notice of violation shall be posted on the item or on the premises in a conspicuous

location, calling for correction of the violation within 24 hours. The Town Code Enforcement Officer or Town Police officer shall also make reasonable attempt to contact the property owner and/or occupant of the premises to notify them of the violation. If such violation remains unabated beyond the 24 hours notice, the Town shall presume the item has been abandoned and is subject to being immediately secured in locked position or dismantled so as to be inoperable without further notice in order to assure public safety.

§ 92.08 COST OF REMOVAL TO BE CHARGED TO OWNER

The actual cost incurred by the town in removing or otherwise remedying a public nuisance shall be charged to the owner or other person in possession of that lot or parcel of land, and it shall be the duty of the Town Finance Department to mail a statement of those charges to the owner or other person in possession of those premises with instructions that those charges are due and payable within 30 days of receipt.

§ 92.09 UNPAID CHARGES TO BE LIEN ON PROPERTY

In the event charges for the removal or abatement of a public nuisance are not paid within 30 days after the receipt of a statement of charges as provided for in § 94.08, those charges shall become a lien upon the land or premises where the public nuisance existed and shall be collected as unpaid taxes, as provided in G.S. § 160A-193.

§ 92.10 OTHER REMEDIES

The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances and this chapter shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in G.S. § 14-4.

(Revised Ord. passed 10-13-2014) Penalty, see §10.99

CHAPTER 93: NUISANCES – JUNK, ABANDONED AND NUISANCE VEHICLES

Section

- 93.1 Objectives**
- 93.2 Administration**
- 93.3 Definitions**
- 93.4 Abandoned vehicle unlawful; removal authorized**
- 93.5 Nuisance vehicle unlawful; removal authorized**
- 93.6 Junked vehicle regulated; removal authorized**
- 93.7 Determination of violation**
- 93.8 Removal of abandoned, nuisance or junked vehicles; pre-towing notice requirements**
- 93.9 Exceptions to prior notice requirement**
- 93.10 Removal of vehicles; post-towing notice requirements**
- 93.11 Right to probable cause hearing before sale or final disposition of vehicle**
- 93.12 Storage and delay of disposition**
- 93.13 Redemption of vehicle during proceedings**
- 93.14 Sale and disposition of unclaimed vehicle**
- 93.15 Conditions on removal of vehicles from private property**
- 93.16 Protection against criminal or civil liability**
- 93.17 Exceptions**
- 93.18 Unlawful removal of impounded vehicle**

§93.01 OBJECTIVES.

(A) The Board of Commissioners (“BOC”) for the Town of Warrenton (“Town”) is authorized by N.C.G.S. §160A-193, N.C.G.S. §160A-303 and N.C.G.S. §160A-303.2 to regulate, restrain or prohibit Abandoned, Nuisance and Junked Vehicles as those terms are further defined herein on public and private property within the Town’s ordinance-making jurisdiction.

(B) The BOC finds it necessary and desirable to promote or enhance:

- (1) The quality of urban attractiveness and aesthetic appearance of the Town;
- (2) The protection of property values throughout the Town;
- (3) The preservation of the livability and attractiveness of neighborhoods;
- (4) The promotion of tourism, conventions, and other opportunities for economic development for the Town;
- (5) The attractiveness of the Town’s thoroughfares and commercial roads which present the primary, public visibility to visitors and to passers-by of the Town;
and
- (6) The promotion of the comfort, happiness, and emotional stability of occupants of property in the vicinity of Junked Vehicles.

(C) This ordinance shall apply to all properties that lie within the Town limits and ETA.

§93.02 ADMINISTRATION

The Police Department shall be responsible for the administration and enforcement of this Ordinance. The Town may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned Vehicles, Nuisances and Junked Vehicles in compliance with this chapter and applicable state laws. Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the Police Department in enforcing other laws or in otherwise carrying out their duties.

§93.03 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply:

ABANDONED VEHICLE As authorized and defined in N.C.G.S. [code] 160A-303, shall mean an abandoned vehicle that:

- (a) is left upon a public street or highway in violation of a law or ordinance prohibiting parking; or
- (b) is left unattended on a public street or highway for longer than twenty-one days; or

(c) is left on property owned or operated by the Town for longer than seven days.

APPROPRIATE AUTHORITY shall mean the BOC unless the text of a particular Section indicates otherwise.

JUNKED VEHICLE As authorized and defined in N.C.G.S. [code] 160A-303.2 shall mean a vehicle that does not display a current license plate lawfully upon that vehicle and that:

- (a) is partially dismantled or wrecked; or
- (b) cannot be self propelled or moved in the manner in which it originally was intended to move; or
- (c) is more than fifteen years old and appears to be worth less than \$500.

VEHICLE All machines designed or intended to travel over land, air or water by self-propulsion or while attached to any self-propelled vehicle.

NUISANCE VEHICLE A vehicle on public or private property that does not display a current license plate lawfully upon that vehicle and that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be any of the following:

- (a) A breeding ground or harbor for mosquitoes, other insects, rats, snakes or other pests;
- (b) A point of heavy growth of weeds or other noxious vegetation over eighteen inches in height;
- (c) A point of collection of pools or ponds of water;
- (d) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (e) One which has areas of confinement which cannot be operated from the inside, such as tanks, hoods, and the like;
- (f) So situated or located that there is a danger of it falling or turning over (i.e. on jacks, blocks or other supports);
- (g) One which is a point of collection of garbage, food waste, animal waste, or any other rotten or putrescible matter of any kind;

(h) So offensive to the sight as to damage the community, neighborhood or area appearance; or

(i) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Appropriate Authority.

§93.04 ABANDONED VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a Vehicle to cause or allow such Vehicle to become an Abandoned Vehicle as that term is defined herein.

(B) Upon investigation, the Appropriate Authority may determine that a Vehicle is an Abandoned Vehicle and order the Abandoned Vehicle to be removed in accordance with the provisions for such removal set forth herein.

§93.05 NUISANCE VEHICLE UNLAWFUL; REMOVAL AUTHORIZED.

(A) It shall be unlawful for the registered owner or person entitled to possession of a

(B) Vehicle to cause or allow such Vehicle to become a Nuisance Vehicle as that term is defined herein.

(C) Upon investigation, the Appropriate Authority may determine and declare that a Vehicle is a Nuisance Vehicle, and order the Nuisance Vehicle to be removed in accordance with the provisions for such removal set forth herein.

§93.06 JUNKED VEHICLE REGULATED; REMOVAL AUTHORIZED.

(A) Subject to the concealment provisions of Section D below, it shall be unlawful for the registered owner or person entitled to the possession of a Junk Vehicle, or for the owner, lessee, or occupant of the real property upon which a Junk Vehicle is located to maintain or allow such Junk Vehicle to stay on that property.

(B) Upon investigation, the Appropriate Authority may determine and declare that a Vehicle is a Junked Vehicle and order the Junked Vehicle to be removed in accordance with the provisions for such removal set forth herein.

(C) Notwithstanding the foregoing provisions of (A) and (B), the Appropriate Authority, may order the removal of a Junked Vehicle as set forth herein only after documenting in writing that the aesthetic benefits of removing the Junked Vehicle outweigh the burdens imposed on the apparent owner. Such finding shall be based on a balancing of the monetary loss of the apparent owner against the corresponding gain to the public by promoting or enhancing community,

neighborhood or area appearance. The relevant factors that may be considered are but are not limited to those set forth below:

- (1) Protection of property values;
- (2) Promotion of tourism and other economic development opportunities;
- (3) Indirect protection of public health and safety;
- (4) Preservation of the character and integrity of the community; and
- (5) Promotion of the comfort, happiness and emotional stability of area residents.

(D) In the event that the owner of a Junked Vehicle desires to maintain and possess such Junked Vehicle the owner may do so provided the Junked Vehicle is kept in a manner that provides a complete enclosure so that the Junked Vehicle cannot be seen from a public street or abutting property. Such enclosure must be constructed in accordance with all zoning and building code regulations and may not be visually offensive as determined by the CAB and the BOC.

§93.07 DETERMINATION OF VIOLATION

(A) A Citizens Advisory Board (“CAB”) as established by the BOC shall recommend to the BOC at the BOC’s regularly scheduled monthly meeting those Vehicles that the CAB believes should be acted upon pursuant to the provisions of this Ordinance. Such recommendation shall be accompanied with documentation supporting the CAB’s recommendation which shall include the location of the Vehicle, a photograph of the Vehicle and a short written explanation of why the Vehicle should be acted upon.

(B) The BOC will consider the recommendations of the CAB and, if approved by the BOC, direct the Chief of Police to begin appropriate actions as set forth in this Ordinance. The Chief of Police will include in his monthly report to the BOC a summary of all actions taken pursuant to previous such BOC directions.

§93.08 REMOVAL OF ABANDONED, NUISANCE OR JUNKED VEHICLES; PRE TOWING NOTICE REQUIREMENTS.

(A) Except as set forth in §90.08, an Abandoned, Nuisance or Junked Vehicle which is to be removed shall be towed only after notice to the registered owner or person entitled to possession of the Abandoned, Nuisance or Junked Vehicle. In the case of a Nuisance Vehicle or a Junked Vehicle, if the names and mailing addresses of the registered owner or person entitled to the

possession of the Vehicle, or the owner, lessee, or occupant of the real property upon which the Nuisance Vehicle or Junked Vehicle is located can be ascertained in the exercise of reasonable diligence, such due diligence shall include but not be limited to investigation of the license plate, if any, and the Vehicle Identification Number, through the Department of Motor Vehicles, the notice shall be given by first class mail. The person who mails the notices shall retain a written record to show the names and addresses to which such notice was mailed, and the date mailed. Additionally, and in the event that such names and addresses cannot be ascertained as set forth herein, notice shall be given by affixing on the windshield or some other conspicuous place on the Nuisance Vehicle, Junked Vehicle or Abandoned Vehicle to be removed, a notice indicating that the Vehicle will be removed by the Town on a specified date. The notice shall state that the Vehicle will be removed by the Town on a specified date, no sooner than seven days after the notice is affixed or mailed, unless the Vehicle is moved by the owner or legal possessor prior to that time.

(B) With respect to Abandoned Vehicles on private property, Nuisance Vehicles and Junked Vehicles to which notice is required to be given, if the registered owner or person entitled to possession does not remove the Vehicle but chooses to appeal the determination that the Vehicle is an Abandoned or Nuisance Vehicle or in the case of a Junked Vehicle that the aesthetic benefits of removing the Junked Vehicle outweigh the burdens set forth herein, such appeal shall be made to the BOC in writing, heard at the next regularly scheduled meeting of the BOC and further proceedings to remove the Vehicle shall be stayed until the appeal is heard and decided.

§93.09 EXCEPTIONS TO PRIOR NOTICE REQUIREMENT.

The requirement that notice be given prior to the removal of an Abandoned, Nuisance or Junked Vehicle may, as determined by the Proper Authority, be omitted in those special situations where there is a need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. The Appropriate Authority hereby grants to the Chief of Police the authority to make such determinations in special situations. Such findings shall, in all special situations, be entered by the Chief of Police in the appropriate daily records. Circumstances justifying the removal of Vehicles without prior notice for such special situations include but are not limited to:

(A) For Abandoned Vehicles on the public streets and highways, the BOC hereby determines that immediate removal of such Abandoned Vehicles may be warranted when they are:

- (1) Obstructing traffic;
- (2) Parked in violation of an ordinance prohibiting or restricting parking;
- (3) Parked in a no stopping or standing zone;
- (4) Parked in loading zones;

- (5) Parked in bus zones; or
- (6) Parked in violation of temporary parking restrictions imposed under Code sections.

(B) With respect to other Abandoned or Nuisance Vehicles left on Town owned property other than the streets and highways, and on private property, such Vehicles may be removed without giving prior notice only in those circumstances where the Chief of Police finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration and not of limitation, such circumstances include Vehicles blocking or obstructing ingress or egress to businesses and residences, Vehicles parked in such a location or manner as to pose a traffic hazard, and Vehicles causing damage to public or private property.

§93.10 REMOVAL OF VEHICLES; POST TOWING NOTICE REQUIREMENTS.

(A) Any Abandoned, Nuisance or Junked Vehicle that has been ordered removed may, as directed by the Appropriate Authority, be removed to a storage garage or area by the tow truck operator or towing business contracting to perform such services for the Town. If the removal of the Abandoned, Nuisance or Junked Vehicle was preceded by a written notice of the Town’s intent to tow as set forth in Section 90.07 above, the Appropriate Authority shall again notify the last known registered owner of the Vehicle that the Abandoned, Nuisance or Junked Vehicle has been towed. Such notice to include the following:

- (1) The description of the removed Vehicle;
- (2) The location where the Vehicle is stored;
- (3) The violation with which the owner is charged, if any;
- (4) The procedure the owner must follow to redeem the Vehicle; and
- (5) The procedure the owner must follow to request a probable cause hearing on the removal.

COMPLIANCE STATUTE: The Town shall give post-tow notice as required by N.C.G.S. §20-219.11 (a) and (b).

(B) Whenever an Abandoned, Nuisance or Junked Vehicle is removed, and such Vehicle has no valid registration or registration plates, the Appropriate Authority shall make reasonable efforts, including checking the Vehicle identification number, to determine the last known registered owner of the Vehicle and to notice him of the information set forth in this Section.

§93.11 RIGHT TO PROBABLE CAUSE HEARING BEFORE SALE OR FINAL DISPOSITION OF VEHICLE.

The owner or any other person entitled to claim possession of the vehicle towed pursuant to this section may request in writing a hearing to determine if probable cause existed for the towing within twenty one (21) days of mailing or posting of the post-tow notice pursuant to N.C.N.C.G.S. §20.219.11(a) and (b). Service of notice by mailing is complete by depositing the notice in first class mail addressed to the owner or other person entitled to possession of the vehicle

After the removal of an Abandoned, Nuisance or Junked Vehicle, the owner or any other person entitled to possession is entitled to a hearing for the purpose of determining if probable cause existed for removing the Abandoned, Nuisance or Junked Vehicle. A request for hearing must be filed in writing with the Warren county magistrate designated by the chief district court judge to receive such hearing requests, The magistrate will set the hearing within 72 hours of receipt of the request, and the hearing will be conducted in accordance with the provisions of N.C.G.S. §20 219.11, as amended.

§93.12. STORAGE AND DELAY OF DISPOSITION

Any vehicle that is towed pursuant to the provisions of this Ordinance, except those that are towed voluntarily, shall be stored in a separate and secure location for a period of at least 90 days from the date of such towing to ensure the right-full owner had an opportunity to reclaim the Vehicle prior to final disposition.

§93.13. REDEMPTION OF VEHICLE DURING PROCEEDINGS.

At any stage in the proceedings, including before the probable cause hearing, the owner may obtain possession of the removed Abandoned, Nuisance or Junked Vehicle by paying the towing fee, including any storage charges, or by posting a bond for double the amount of such fees and charges to the tow truck operator or towing business having custody of the removed Abandoned, Nuisance or Junked Vehicle. Upon regaining possession of an Abandoned, Nuisance or Junked Vehicle that has been removed, the owner or person entitled to the possession of the Abandoned, Nuisance or Junked Vehicle shall not allow or engage in further violations of this Ordinance.

Amount of towing and storage charges; charges to constitute lien. The charges for towing and storing any vehicle lawfully impounded under this article shall be as follows:

(A) Towing charge. Towing charges shall be:

- (1) On Saturday and Sunday, and after 6:00 p.m. on Monday through Friday each week, where a vehicle is towed . . . \$60.00

- (2) On Monday through Friday of each week, from 7:30 a.m. to 6:00 p.m. where a vehicle is towed . . . \$50.00
- (3) Where a wrecker is engaged but the vehicle is not towed . . . \$10.00
- (4) Large vehicles consisting of 10,000 gross vehicle weight (GVW) or more . . . \$150.00

(B) Additional charges. The following charges shall be in addition to any towing charge listed in subsection (a)(1) of this section:

- (1) After the first 30 minutes from arrival and for each hour thereafter until hook up, a waiting fee shall be charged.
 - (a) Vehicles . . . \$35.00
 - (b) Large vehicles . . . \$50.00
- (2) Where a dolly is used . . . \$25.00
- (3) Storage charge. Charges for storage of impounded vehicles shall be as follows:
 - (a) Vehicles . . . \$10.00 per day
 - (b) Tractors . . . \$25.00 per day
 - (c) Trailers . . . \$25.00 per day
 - (d) Straight trucks in which the cab and trailer/bed are one unit excluding pick-up trucks . . . \$45.00 per day

(C) Administrative fee. In addition to the towing and storage charges as specified in subsections (a)(1), (2) and (3) of this section there shall be a charge of \$50.00 payable to the city to assist in defraying the expenses incurred by the city administering the towing and storage provisions of this article.

(D) Special circumstances. Under special circumstances, including but not limited to, vehicle recovery from water, or towing distances in excess of 30 miles, the rate for towing will be approved by the director of housing and neighborhood services or designee. For vehicles impounded pursuant to this chapter, the director of finance or designee shall approve the rate for towing under special circumstances, including but not limited to, vehicle recovery from water, or towing distances in excess of 30 miles.

(E) In accordance with this chapter, an owner of private property who has requested the removal of a vehicle shall be charged \$50.00, and the charges set forth in this section shall not be his responsibility.

(F) All towing, storing, violation and other charges incurred by the city or imposed upon the owner or operator in connection with the impounded vehicle shall constitute a lien upon such

vehicle, and no such impounded vehicle shall be released until such charges have been paid and proper evidence of ownership exhibited.

(G) All vehicles, including motorcycles towed pursuant to this article, shall be stored on city owned or operated property unless other arrangements due to the size of the vehicle, lack of space or similar circumstances have been made by the director of housing and neighborhood services or designee. All vehicles, including motorcycles towed pursuant to this chapter shall be stored on city owned or operated property unless other arrangements due to the size of the vehicle, lack of space or similar circumstances have been made by the director of finance or designee.

§93.14. SALE AND DISPOSITION OF UNCLAIMED VEHICLE.

Any Abandoned, Nuisance or Junked Vehicle which is not claimed by the owner or other party entitled to possession will be disposed of by the tow truck operator or towing business having custody of the Vehicle. Disposition of such a Vehicle shall be carried out in coordination with the Town and in accordance with N.C.G.S. Article 1 of Chapter 44A.

§93.15. CONDITIONS ON REMOVAL OF VEHICLES FROM PRIVATE PROPERTY.

In no case will an Abandoned, Nuisance or Junked Vehicle be removed by the Town from private property without written permission of the owner, occupant or lessee, except in those cases where a Vehicle is a Nuisance Vehicle or is a Junked Vehicle which has been ordered removed by the Appropriate Authority. The Town may require any person requesting or agreeing to the voluntary removal of an Abandoned, Nuisance or Junked Vehicle from private property to indemnify the Town against any loss, expense or liability incurred because of the removal, storage, or sale thereof.

§93.16. PROTECTION AGAINST CRIMINAL OR CIVIL LIABILITY.

No person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the possession of an Abandoned, Nuisance or Junked Vehicle, for disposing of such Abandoned, Nuisance or Junked Vehicle as provided in this Ordinance.

§93.17 EXCEPTIONS.

Nothing in this chapter shall apply to any vehicle:

- (A) Which is in an enclosed building;

- (B) Which is used on a regular basis in the manner in which the Vehicle was intended to be used; or
- (C) Which is in an appropriate storage place or depository maintained in a lawful place and manner by the Town.

§93.18 UNLAWFUL REMOVAL OF IMPOUNDED VEHICLE.

It shall be unlawful for any person to remove or attempt to remove from any storage facility designated by the Town any Abandoned, Nuisance or Junked Vehicle which has been impounded pursuant to the provisions of this Ordinance unless and until all towing and impoundment fees which are due, or bond in lieu of such fees, have been paid.

CHAPTER 94: NUISANCES - NOISES

§94.01 DEFINITIONS

All words used in this chapter not defined below shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body. For the purpose of this chapter, the following words and phrases are defined and shall be construed as defined below unless it shall be apparent from the context that a different meaning is intended:

SOUND. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression, and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

TOWN. All areas within the corporate limits of the Town of Warrenton, North Carolina along with the statutorily proscribed extra-territorial jurisdiction.

NOISE. Any loud, raucous, disturbing Sound which is made unlawful by the subsequent sections of this chapter.

§94.02 NOISES PROHIBITED, GENERALLY

It shall be unlawful for any person to create or assist in creating any unreasonably loud, raucous, and disturbing Noise in the Town limits.

§94.03 PARTICULAR SOUNDS IMPACTING LIFE IN TOWN

(A) It shall be unlawful to carry on the following activities in any area of the Town:

- (1) Operate or permit the operation of construction machinery between the hours of 10:00 p.m. and 6:00 a.m.
- (2) Operate or permit the operation of commercial machinery between the hours of 10:00 p.m. and 6:00 a.m.
- (3) Operate or permit the operation of lawn mowers and other domestic power tools out-of-doors between 10:00 p.m. and 6:00 a.m.
- (4) Create or permit the creation of any mechanical sound which is deemed to be offensive to a complainant at the complainant's nearest property line.

(B) This section shall not apply to operations which are carried on in such a manner or in such a location as not to create sounds that negatively impact the quality of life in Town and shall not apply to emergency operations designed to protect the public health and safety.

§94.04 AMPLIFIED SOUND

(A) It shall be unlawful and shall constitute noise to:

- (1) Operate or allow the operation of any sound amplification equipment deemed to be offensive to a complainant at the complainant's nearest property line between 10:00 p.m. and 6:00 a.m., as measured at the boundary line of the nearest occupied residential property, except in accordance with a permit obtained from the Chief of Police properly issue in accordance with section 5 of this ordinance.
- (2) As to all multifamily structures including apartments, condominiums, or other residential property it shall be unlawful to operate or allow the operation of any sound amplification equipment so as to create sounds deemed to be offensive to a complainant between 10:00 p.m. and 6:00 a.m., as measured from any point within the interior of the complainant’s residential unit in the same complex or within the boundary line of the nearest occupied residential property, except in accordance with a permit obtained from the Chief of Police.
- (3) As to places of public entertainment having a capacity of fifty (50) or more persons to operate or allow the operation of any sound amplification equipment so as to create sounds deemed to be offensive to a complainant between 10:00 p.m. and 6:00 a.m., as measured anywhere within the boundary line of the nearest occupied residential property, except in accordance with a permit obtained from the Chief of Police.
- (4) Operate or allow the operation of any sound amplification equipment for advertising purposes or otherwise to attract customers so as to cast sounds which are unreasonably loud and disturbing to a complainant at or on the boundary of the nearest public right-of-way or public space.
- (5) Operate or allow the operation for personal use of any sound amplification equipment on the public right-of-way, including streets or sidewalks, or in the public parks so as to produce Sound disturbing to a complainant at any time.

(B) The foregoing limitations on the operation of sound amplification equipment shall not apply to the operation of horns, sirens, or other emergency warning devices actually being used in emergency circumstances.

§94.05 PERMITS FOR ADDITIONAL AMPLIFICATION

(A) Any person desiring to operate amplified sound equipment during between 10:00 p.m. and 6:00 a.m. shall be required to make application for a permit for additional amplification to the Chief of Police at least fifteen (15) working days in advance of the planned use. The application shall designate an individual person or persons who shall be in control of the sound amplification equipment and assure that its use complies with the terms of the permit.

(B) No permits shall be issued which shall have the effect of allowing more than twenty (20) hours of excess amplification per year at any place of public entertainment having a capacity of fifty (50) or more persons or ten (10) hours of excess amplification at any other location. Permits shall be tentatively approved and subsequently granted by the Chief of Police in the order of receipt unless permits for twenty (20) or more hours have previously been issued for the same or other locations within a one-thousand-foot radius of the facility in the same calendar year, in which event the applicant shall elect whether to limit his request so as to keep the year's accumulated hours of excess amplification in that location below twenty (20) hours or select another location.

(C) If an applicant has been denied a permit under this Section and believes the denial is illegal by virtue of applicable state or federal law or is not in conformance with this Ordinance, he shall promptly submit a copy of the denied permit application together with a short statement of the reasons he believes he is entitled to a permit to the Town Administrator. The Town Administrator shall have the discretion to grant an exceptional permit waiving location, time, and/or sound requirements, upon his determination that the applicant has made a substantial showing of legal entitlement. Any such exceptional permit shall be promptly reported to the Board of Commissioners.

§94.06 ANIMALS. (AS SET FORTH IN SECTION 90.04)

A violation of Section 90.04 shall also constitute a violation of this section and shall be subject to the penalties as set out below in subsection 94.09 – Enforcement and Penalties.

§94.07 MOTOR VEHICLES

It shall be unlawful to operate or allow the operation of any motor vehicle in the city:

(A) By engaging in jackrabbit starts, spinning tires, racing engines, or other operations which create unreasonably loud and disturbing Noises.

(B) Off the boundaries of a public street for racing or other operations which create unreasonably loud and disturbing Noises.

(C) So out of repair, so loaded, or operated in such manner as to create loud or unnecessary grating, grinding, rattling, screeching of tires, or other noise, and the use of any motor vehicle so out of repair because of inadequate or defective mufflers or other equipment so as to create loud or unnecessary noise so as to create unreasonably loud and disturbing noises.

(D) By the sounding of any horn, whistle, or signal device on any automobile, motorcycle, bus, or other vehicle or railroad train, except as a danger signal or as required by law, so as to create any unreasonable, loud, or harsh sound or the sounding of such device for an unnecessary and unreasonable period of time.

(E) By the playing of any car radio, stereo or other sound reproduction system, or sound producing or sound-amplifying device in such manner or with such volume which will create unreasonably loud and disturbing noises.

§94.08 OWNER’S RESPONSIBILITY

The owner of every premises shall be responsible and liable for the actions of his tenants of which the owner has knowledge when such actions violate this article. A letter from the chief of police or town administrator enumerating tenant violation or a copy of a prior citation issued to the tenant shall be provided to the landlord to give actual notice of the existence of a violation hereunder. Thereafter, such violation by his tenants shall result in owner responsibility under this article. However, violations by his tenants shall subject the owner only to civil penalties and/or civil action set forth in section 8A of this article, and N.C.N.C.G.S. §§153A 123(a), (c), (d), (e), (f) and (g), and the owner shall not incur criminal penalties for violations of the ordinance by the actions or inactions of any tenant. This owner's responsibility provision shall in no way relieve any tenant from liability for any violations of this article.

§94.09 ENFORCEMENT AND PENALTIES

(A) Where there is a reported violation of any provision of this Ordinance, which such violation is observed by a Town police officer, or in the event that a Town police officer observes a violation in the absence of a report, the Town police officer may issue a citation subjecting the violator to civil and criminal penalties as set forth below,

- (1) Any violation of this chapter shall subject the offender to a civil penalty in the amount of \$50.

- (2) Each day's continuing violation shall be a separate and distinct offense which shall subject the offender to an additional civil penalty in the amount of \$50 per day of the continuing violation.
- (3) Notwithstanding subsections (1) and (2) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.
- (4) In addition to or in lieu of remedies authorized in subsections (1) through (3) above, violations of this chapter may be prosecuted as a misdemeanor with a fine of \$50.00 plus court costs in accordance with N.C.G.S. §160A-175.

(B) Any violation of the provisions of a permit shall subject the offender to immediate revocation of the permit and to a civil penalty in the amount of \$200. Upon revocation of a permit, sound levels shall be reduced to those otherwise permitted in this Ordinance.

§94.10 SEVERABILITY

The provisions of this chapter are considered severable and in the event that any provisions herein or part thereof shall be deemed unconstitutional, invalid or unenforceable, the other provisions hereof shall remain in full force and effect.

Ord. ADOPTED JULY 9, 2007.

CHAPTER 95: STREETS AND SIDEWALKS

Section

General Provisions

95.01 Placing goods, wares and the like on streets or sidewalks

95.02 Public assembly

95.03 Throwing or burning trash; littering in streets

95.04 Barbed wire fences

95.05 Excavations

95.06 Utility poles; permits, maintenance

95.07 Injury to streets, sidewalks and other public property

95.08 Gates opening on streets and sidewalks

95.09 Permit required for utility companies to trim trees

Street Naming/Property Numbering

95.20 Street name prefixes

95.21 Property numbering map and system established

95.22 Owners to obtain and display numbers

95.23 Defacing numbers prohibited

Cross-reference:

Care of plots along sidewalks, see [code] 92.03

GENERAL PROVISIONS

§95.01 PLACING GOODS, WARES AND THE LIKE ON STREETS OR SIDEWALKS

It shall be unlawful to build, construct, or place, or permit to be placed, built, constructed or permit to remain on any porch, steps, fence, wall, furniture, goods, wares, merchandise, dirt, debris, crates, groceries, produce or other property in, over, upon or across, any sidewalks or streets within the town.

('63 Code, Ch. J, Art. I, §1) Penalty, see §10.99

§95.02 PUBLIC ASSEMBLY

It shall be unlawful to hold any auction sale on any street, except at the courthouse, without permission of the Police or the Mayor, and it shall be unlawful to attract a crowd on any street, sidewalk or public thoroughfare so as to impede travel thereon; provided, nothing herein contained shall prohibited preaching by the Salvation Army, or other similar preaching of the Gospel, or speech making, or serenading on occasion of public rejoicing, or in political campaigns, under the control of the police.

('63 Code, Ch. J, Art. II, §2) Penalty, see §10.99

§95.03 THROWING OR BURNING TRASH; LITTERING IN STREETS

(A) It shall be unlawful to place in any of the streets or sidewalks or in or about any public building any trash or rubbish of any description or to burn the same in any of the aforementioned places.

('63 Code, Ch. J, Art. I, §2) Penalty, see §10.99

(B) It shall be unlawful for any person, firm, organization or private corporation to throw or deposit upon any street or sidewalk, or upon any private property, except with written permission of the owner or occupant of such property any trash, refuse, garbage, building material, cans, bottles, broken glass, paper or any type litter.

('63 Code, Ch. J, Art. VI, §1)

(C) It shall be unlawful for any person while a driver or a passenger in a vehicle to throw or deposit litter upon any street or other public place within the town, or upon private property.

('63 Code, Ch. J, Art.V I, §2)

(D) It shall be unlawful for any person, firm, organization or private corporation to deposit household garbage in any street trash receptacle or business trash bin.

(Ord. passed 11-1-70; Am. Ord. passed 12-9-96) Penalty, see §10.99)

§95.04 BARBED WIRE FENCES

It shall be unlawful to use barbed wire in the construction of any fence on any of the streets of the town.

('63 Code, Ch. I, Art. I, §4) Penalty, see §10.99

§95.05 EXCAVATIONS

(A) No person shall make any excavations, cut or make any other opening in any of the streets or sidewalks without first having obtained a permit therefor from the Building Inspector.

('63 Code, Ch. R, §1)

(B) Any person excavating or opening any street or sidewalk shall protect the same with a sufficient number of red flags during the daytime and red lights at night.

('63 Code, Ch. R, §2)

(C) All openings made in any street or sidewalk under the provisions herein contained shall immediately, upon the completion of the work, be filled in and the surface thereof made flush with the adjacent surfaces. Any hard surface macadam or asphalt removed shall be replaced by the town at the expense of the applicant granted permission to open the street or sidewalk. Each day the opening is left unfilled in violation of this section shall constitute a separate offense.

('63 Code, Ch. R, §3) Penalty, see §10.99

§95.06 UTILITY POLES; PERMITS, MAINTENANCE

(A) No poles for electric, telegraph, telephone or other purposes shall be placed on any street without a permit therefor being obtained from the town.

('63 Code, Ch. R, §4)

(B) No permit shall be issued for the erection of poles on any street where there exists a line of poles on such street for the purpose of supporting electric telephone or telegraph wires.

('63 Code, Ch. R, §5)

(C) Whenever any electric, telephone or telegraph company shall desire to place lines or wires along any particular street upon which it does not have a line of poles, but upon which street there exists a line of poles owned by another company, then such companies may maintain their wires upon the same poles. If an agreement cannot be reached between the companies owning the poles and the companies desiring to place wires thereon, then the companies may submit the question of compensation to three disinterested persons for arbitration, or they may submit the same to the Board of Commissioners for determination. This section shall apply to poles owned by the town as well as poles owned by companies operating under franchises from the town.

('63 Code, Ch. R, §6)

(D) It shall be the duty of the owners of all poles supporting electric, telephone or telegraph wires, to keep the same in a safe condition, and for that purpose inspect the same once every three months.

('63 Code, Ch. R, §7)

(E) One duct in all underground conduit systems shall be provided for the town free of charge for the town's police or fire alarm telegraph system when required, and the town shall have the use of any and all poles on streets for the same purposes.

('63 Code, Ch. R, §8) Penalty, see §10.99

§95.07 INJURY TO STREETS, SIDEWALKS AND OTHER PUBLIC PROPERTY

(A) No person shall injure, deface or mar in any manner whatsoever any of the streets or sidewalks. The town shall have the right and privilege to repair any such injury, defacement or mar and assess the cost thereof against the offender.

('63 Code, Ch. R, §9)

(B) No person shall break, destroy, or in any manner injure any light, pump, well or tree in any street or public place, or deface, or in any manner injure, any building belonging to the town.

('63 Code, Ch. R, §11) Penalty, see §10.99

Cross-reference:

Injuring, defacing or interfering with property, see §130.04

§95.08 GATES OPENING ON STREETS AND SIDEWALKS

No gate to any residence, lot or other enclosure shall swing or open outward over the street or sidewalk. Each day any gate is allowed to open outward over the sidewalk or street, shall constitute a separate offense.

('63 Code, Ch. R, §10) Penalty, see §10.99

§95.09 PERMIT REQUIRED FOR UTILITY COMPANIES TO TRIM TREES

Before any power company, telephone or telegraph company shall cut any trees or limbs of trees, said company must obtain authority from the Chairman of the Zoning Commission.

('63 Code, Ch. R, §12) Penalty, see §10.99

STREET NAMING/ PROPERTY NUMBERING

§95.20 STREET NAME PREFIXES

(A) Prefixes for the following named streets or parts thereof are hereby designated as follows:

(1) *North-south prefix designation.* That portion of all the streets or parts thereof herein named and lying north of Macon Street are hereby designated by inserting immediately before the street name the prefix “north” and in like manner, that portion of all streets or parts thereof named herein lying south of Macon Street are hereby redesignated by inserting before the street name the prefix “south.”

(a) Bragg Street

(b) Hall Street

(c) Front Street

(2) *East-west prefix designation.* That portion of all the streets or parts thereof below named and lying east of Main Street are hereby designated by inserting

immediately in front of the street name the prefix “east”, and in like manner, that portion of all streets or parts thereof lying west of Main Street and hereby redesignated by inserting immediately in front of the street name the prefix “west.”

- (a) Macon Street
- (b) Market Street
- (c) Franklin Street

(B) From and after the effective date of this section, all public streets designated herein shall have and shall be known by the official names as provided for in this section.

(Ord. passed 7-13-65)

§95.21 PROPERTY NUMBERING MAP AND SYSTEM ESTABLISHED

(A) *Numbering map.* The property numbering map entitled *Property Numbering System, Map 2 – “Number Assignment”* is hereby adopted as the official property numbering map of the town, and all property numbers assigned shall be assigned in accordance with this numbering map and no other property numbers shall be used or displayed in the town except numbers assigned in accordance with the official numbering map. The property numbering map shall be kept on file in the office of the Town Clerk.

(B) *Numbering system.*

- (1) On the property numbering map there shall be designated a north-south axis and an east-west axis and all avenues, streets and alleys running generally north and south shall be numbered from the east-west axis consecutively to the corporate limits or the extremity of such avenue, alley, or street. Avenues, streets or alleys running generally east and west shall be numbered from the north-south axis in the same manner. Wherever possible, 100 numbers shall be allowed to each block so that the number of each consecutive block shall commence with consecutive hundreds and ones.
- (2) One whole number shall be assigned for every 50 feet of ground whether improved property or vacant lot on every street within the corporate limits. Provided, however, within the area designated on the numbering system map as Business Area, one number shall be assigned for every 25 feet. Odd numbers shall be assigned to the south and west sides going away from the axis toward the corporate limits and even numbers shall be on the north and east sides.

(C) *Numbers for future buildings.* All residence and business buildings erected after the adoption of this section shall be assigned a number in accordance with the property numbering map and shall obtain and display such number as provided in §93.22.

(Ord. passed 7-13-65)

§95.22 OWNERS TO OBTAIN AND DISPLAY NUMBERS

Every property owner of improved property shall obtain and display in a conspicuous place on the property the number assigned which shall be of a type approved by the Board of Commissioners.

(Ord. passed 7-13-65) Penalty, see §10.99

§95.23 DEFACING NUMBERS PROHIBITED

It shall be unlawful for any person to alter, deface or take down any number placed on any property in accordance with §§93.21 through 93.23, except for repair or replacement of such number.

(Ord. passed 7-13-65) Penalty, see §10.99

TITLE XI: BUSINESS REGULATIONS

CHAPTER

110. BUSINESS LICENSE TAX

111. AMUSEMENTS

112. TELECOMMUNICATIONS

113. TAXICABS

114. SIDEWALK DINING

CHAPTER 110: BUSINESS LICENSE TAX

Section

110.01 Definitions

110.02 License, tax levied; unlawful to conduct business without license

110.03 Tax Collector

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110.12 Schedule of license taxes

110.13 Bankruptcy and insolvency

§110.01 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS Any trade, occupation, profession, business, franchise, or calling of any kind, subject by the provisions of this chapter to a license tax.

ENGAGED (OR ENGAGING) IN BUSINESS WITHIN THIS TOWN When a person engages in business activity of any type, either as owner or operator of such business

- (1) By maintaining a business location within the town;

(2) By soliciting business within the town; or

(3) By picking up or delivering merchandise or performing services within the town.

PERSON Any individual, trustee executor, other fiduciary, corporation, association, partnership, company, firm, or other legal entity or agent thereof.

SEASONAL IN NATURE A business is **SEASONAL IN NATURE** when it is operated within the town for less than six months of the year.

('63 Code, Ch. L, §1) Ord. passed 8-8-77)

§110.02 LICENSE TAX LEVIED; UNLAWFUL TO CONDUCT BUSINESS WITHOUT LICENSE

(A) A license tax is hereby levied on the privilege of engaging in every business within this town which is listed in the schedule of taxes contained in §110.12. Any person so engaged in business shall be responsible for making certain that the applicable license tax is paid.

(B) It shall be unlawful for any person to engage in a business within this town upon which a privilege license is imposed by this chapter without having paid the license tax specified in §110.12 herein. Each day that a person engages in business in violation of this division constitutes a separate offense. The town may seek an injunction against any person engaging in business in violation of this division. A conviction under this division does not relieve a person of his liability for the license tax or taxes imposed by this chapter.

('63 Code, Ch. L, §1) Ord. passed 8-8-77)

§110.03 TAX COLLECTOR

The Tax Collector of the town is hereby designated as the proper town official to collect license taxes and to issue privilege licenses.

('63 Code, Ch. L, §2, 14) Ord. passed 8-8-77)

§110.04 LICENSE DUE DATES

(A) Unless otherwise provided in the schedule of taxes in §110.12, each privilege license issued shall cover the 12-month period beginning July 1, of each calendar year and ending June 30 of the subsequent calendar year.

(B) The privilege license tax is due on July 1, of each year. If, however, a person begins a business after July 1, the tax for that year must be paid before the business is begun.

(C) Except when a tax is based on gross receipts, if a business is begun after January 31 but before July 1, the tax shall be one-half of the amount otherwise due.

(D) Except when a tax is based on gross receipts, a person engaged in a business which is seasonal in nature is liable for one-half of the amount of tax otherwise due.

('63 Code, Ch. L, §4, 6) Ord. passed 8-8-77)

§110.05 APPLICATION

Every person desiring to obtain a license for the privilege of engaging in a business within this town shall make application therefor in writing to the Tax Collector. The application, to be made on a form provided by the Tax Collector, shall contain the following information:

(A) Name and nature of the business for which the license is sought;

(B) The address where the business is conducted, and a mailing address for the business, if different;

(C) The name and address of the person filling out the application, and his relationship to the business;

(D) The gross receipts of the business for the most recently completed tax year, if applicable; and

(E) Any other information which the Tax Collector determines to be necessary.

('63 Code, Ch. L, §5(a)) Ord. passed 8-8-77)

§110.06 MULTIPLE BUSINESSES; SEPARATE LOCATIONS; CHANGE IN PLACE OF BUSINESS

(A) If a person is engaged in more than one business made subject to a license tax under this chapter, such person shall pay the license tax prescribed in the tax schedule in §110.12 for each such business, even if the businesses are conducted at the same business location.

(B) Unless otherwise provided by state law or by the tax schedule in §110.12, if a person engages in a business in two or more separate places, a separate license tax shall be required for each such place of business. For purposes of this division, if a person engages in the same business at two or more locations within the town, which locations are contiguous; communicate with and open directly into each other; and are operated as a unit, the person is liable for only one license tax.

(C) If a person who has obtained a license for a business taxed under this chapter desires to move from one business to another within the town, the license which has been issued shall be valid for the remainder of the license year at this new location, and no additional tax need be paid. Within a reasonable time after the change in location, however, such person shall inform the Tax Collector of the change in address.

(’63 Code, Ch. L, §10) Ord. passed 8-8-77)

§110.07 DISPLAY OF LICENSE

Each person issued a license under this chapter shall post the license in a conspicuous place in his regular place of business. If there is no regular place of business, the license shall be kept where it may be inspected at appropriate times by the Tax Collector. If a machine or other item of personal property is licensed, the license shall be affixed to such machine or item.

(’63 Code, Ch. L, §9) (Ord. passed 8-8-77) Penalty, see§10.99

§110.08 NO ABATEMENT OF TAX

If a licensee discontinues a business before the end of the period for which the license was issued, the license tax shall not be abated nor shall a refund of any part of the license tax be made.

(’63 Code, Ch. L, §11) Ord. passed 8-8-77

§110.09 EFFECT OF LICENSE

The issuance of a license under this chapter does not authorize the carrying on of a business for which additional licenses or qualifications are required by state or local law, nor does the issuance of a license prevent the town from enacting additional regulations applicable to the licensee.

(’63 Code, Ch. L, §12) Ord. passed 8-8-77

§110.10 EXEMPTIONS

Any person who engages in business within this town for religious, educational or charitable purposes shall be exempt from paying any privilege license tax levied by this chapter.

('63 Code, Ch. L, §13) Ord. passed 8-8-77

§110.11 COLLECTION OF UNPAID TAX

(A) If a person begins or continues to engage in a business taxed under this chapter without payment of the required privilege license tax, the Tax Collector may use either of the following methods to collect the unpaid tax:

- (1) The remedy of levy and sale or attachment and garnishment, in accordance with N.C.G.S. §160A-207; or
- (2) The remedy of levy and sale of real and personal property of the taxpayer in accordance with N.C.G.S. §105-109(d).

(B) Any person who begins or continues to engage in a business taxed under this chapter without payment of such tax is liable for an additional tax of 5% of the original tax due for each 30 days or portion thereof that the tax is delinquent.

('63 Code, Ch. L, §15) Ord. passed 8-8-77

§110.12 SCHEDULE OF LICENSE TAXES

A license tax shall be levied for all businesses within the town. A schedule of rates will be kept on file in the Town Clerk's office.

('63 Code, Ch. L, §16) Ord. passed 8-8-77

§110.13 BANKRUPTCY AND INSOLVENCY

(A) When any person, firm, or corporation engaged in the mercantile or other business in the town shall make an assignment for the benefit of creditors, or when any such person, firm or corporation shall be adjudicated a voluntary or an involuntary bankrupt or declared insolvent, any license theretofore issued authorizing such person, firm, or corporation to do business in the town shall immediately be terminated and shall, upon such assignment for the benefit of creditors or upon such adjudication in bankruptcy, immediately become null and void.

(B) When any person, firm, or corporation shall purchase a stock of merchandise in the town at a sale under an assignment for the benefit of creditors or at any sale made by the trustee in bankruptcy, and shall thereafter, in the town, advertise it as bankrupt stock and offer it for sale as such, either at retail or at auction, such person shall file with the Town Clerk and the Town Treasurer a complete inventory of such stock of merchandise so purchased, which inventory shall be verified under oath, and it shall be unlawful for said person, firm, or corporation to add to said stock of merchandise from any source whatsoever and advertise the same as bankrupt stock.

(C) Upon compliance with the provisions of §110.13(B), the person, firm, or corporation advertising the stock of merchandise as bankrupt stock and offering it for sale as such shall apply for and obtain a license from the proper authorities of the town for the privilege of conducting the sale, and shall pay a license tax therefor of \$25 per day for the first week of the sale and \$50 per day for each and every day during the continuance of the sale.

(D) No person, firm, or corporation shall advertise for sale in any manner, or shall offer for sale at auction or private sale, or in any other manner, any stock of merchandise, or any part thereof, as a stock of bankrupt or insolvent, without first complying with the provisions of §§110.13(B) and 110.13(C). Each and every day's business in violation of §110.13 shall constitute a separate offense.

('63 Code, Ch. M(a), §§1-4)

CHAPTER 111: AMUSEMENTS

Section

Game Rooms

111.01 Definitions

111.02 Licenses required

111.03 Restrictions on licenses

111.04 Prohibited conduct

111.05 Rules for operation of game rooms; persons under age

111.06 Revocation of license

Public Dances

111.20 Restrictions during certain hours

GAME ROOMS

§111.01 DEFINITIONS

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GAME ROOM. Any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples of game rooms, by way of illustration and not limitation are poolrooms, bowling alleys, billiard halls, amusement centers, and the like.

(Ord. passed 10-11-82)

§111.02 LICENSES REQUIRED

(A) Every operator of a game room shall be required to pay a privilege license tax in accordance with the privilege license ordinance of the town.

(B) In addition, every operator of a game room shall apply for and obtain a license from the Town Board to operate a game room. Application for such a license shall be made upon forms provided by division (B).

(Ord. passed 10-11-82) Penalty, see §10.99

§111.03 RESTRICTIONS ON LICENSES

The Town Board shall not issue a license to any applicant who:

(A) Has been convicted of unlawfully selling intoxicating liquors or narcotic drugs; or

(B) Is not a resident of North Carolina; or

(C) Is of immoral character; or

(D) Is a habitual user of intoxicating liquor or narcotic drugs.

(Ord. passed 10-11-82)

§111.04 PROHIBITED CONDUCT

Licensees under this subchapter shall not, and neither shall their employees:

(A) Suffer or permit any gambling on the licensed premises at any time; nor the sale or use of any racing, football, or other parlay cards or gambling boards or devices;

(B) Suffer or permit the licensed premises to become disorderly; or permit any profane, obscene, or indecent language thereon;

(C) Suffer or permit any intoxicating liquors or narcotic drugs to be sold or kept or consumed on the licensed premises;

(D) Employ in carrying on the business any person who has been convicted of unlawfully selling intoxicating liquors or narcotic drugs.

(Ord. passed 10-11-82) Penalty, see §10.99

§111.05 RULES FOR OPERATION OF GAME ROOMS; PERSONS UNDER AGE

(A) The following rules shall be observed by all operators of game rooms within this town:

- (1) All game rooms may operate between the hours of 7:00 a.m. until 11:00 p.m. Monday through Thursday; on Fridays between 7:00 a.m. until the following Saturday 2:00 a.m.; on Saturdays between 7:00 a.m. until the following Sunday 2:00 a.m.; on Sundays between 1:00 p.m. and 11:00 p.m.
- (2) No play or game shall be allowed during the times when game rooms are required by this subchapter to remain closed.
- (3) Game rooms shall be operated only on the ground floor of a building, and windows and doors facing the street shall not be covered in any manner, so that a clear view inside may be had from the street.
- (4) No screens, curtains, blinds, partitions, or other obstructions shall be placed between the entrance to the room where games are played and the rear wall of such rooms so that a clear view of the interior may be had from the street.
- (5) No loud noises shall be allowed to emanate beyond the licenses premises.
- (6) There must be an adult (18 years of age or older) managing the business on the premises during hours of operations at all times.

(Ord. passed 10-11-82) (Revised 7-14-2014)

(B) It is hereby declared the duty of the Police Department to notify the owner of any pool room that no minor under 16 years of age shall be allowed in pool rooms.

('63 Code, Ch. F, §14) (Ord. passed 3-1-1976) Penalty, see §10.99

§111.06 REVOCATION OF LICENSE

After giving the operator of a game room adequate notice and an opportunity to be heard, the Town Board may revoke the license of any game room operator who:

- (A) Violates the provisions of §111.04 or §111.05; or
- (B) Is convicted of unlawfully selling intoxicating liquor or narcotic drugs.

(Ord. passed 10-11-82) Penalty, see §10.99

PUBLIC DANCES

§111.20 RESTRICTIONS DURING CERTAIN HOURS

It shall be unlawful for any person, firm or corporation to use, or permit to be used, for the purpose of public dancing for which an admission fee or other charge is made, any structure, warehouse or place of business in the town between the hours of 10:00 p.m. and 7:00 a.m.

('63 Code, Ch. J, Art. IV, §1) (Ord. passed 7-18-52) Penalty, see §10

CHAPTER 112: TELECOMMUNICATIONS

Section

- 112.01 Definition**
- 112.02 Franchise required**
- 112.03 Selection of franchisee**
- 112.04 Franchise fees**
- 112.05 Term and termination of franchise**
- 112.06 Franchise provisions**
- 112.07 Franchise agreement**
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- 112.09 Public service installations**
- 112.10 Construction standards and requirements**
- 112.11 Removal of facilities upon request**
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- 112.16 Filings and communications with regulatory agencies**
- 112.17 Permits and authorizations**
- 112.18 Reports**
- 112.19 New developments**
- 112.20 Liability and indemnification**
- 112.21 Subscriber rates**
- 112.22 Nonenforcement not estoppel; no recourse against town**

Cross-reference:

For listing of specific franchise grants, see T.S.O. II

§112.01 DEFINITIONS

TELECOMMUNICATIONS TOWER. A structure more than ten feet tall, built primarily to support one or more telecommunications antennas, divided into three classifications: (a) Free-standing towers that are self-supporting and may be of lattice or monopole design. (b) Concealed or camouflaged towers and associated equipment that are totally concealed within an architectural feature of a building or structure such that the tower is architecturally indiscernible as an independent entity. (c) Roof-top towers that are constructed above existing buildings or other structures such as water towers, etc. (d) A guyed mast or tower that depends on guy lines for stability.

CABLE COMMUNICATION SYSTEM, CABLE SYSTEM, CATV OR SYSTEM A system of coaxial cables or other electrical conductors and equipment used or to be used to originate or receive television or radio signals directly or indirectly off the air and to transmit them via cable to subscribers for a fixed or variable fee, including the origination, receipt, transmission, and distribution of voices, sound signals, pictures, visual images, digital signals, telemetry, or any other type of closed circuit transmission by means of electrical impulses, whether or not directed to originating signals or receiving signals off the air.

FRANCHISE. Includes both the franchise granted pursuant to this chapter and the franchise agreement, and all rights, powers and privileges thereunder.

FRANCHISE AGREEMENT. The separate agreement by which the franchise is granted to the franchisee, as required by this chapter.

FRANCHISEE. Includes all persons, firms and corporation having any rights, powers, privileges, duties, liabilities or obligations under this chapter and the franchise agreement (herein collectively called the **FRANCHISE**) and also persons, firms and corporations having or claiming any title or interest in or to the system, whether by reason of the franchise itself or any subcontract, transfer, assignment, mortgage, pledge, hypothecations, security agreement, management agreement or operating agreement, or otherwise arising or created.

GROSS SUBSCRIBER REVENUES. Those revenues derived from the service charges, installation fees, disconnect and reconnect fees, and fees for regular cable benefits including the transmission of broadcast signals and access and origination channels of any and revenues derived from per-program or per-channel chares, leased channel revenues, advertising revenues, or any other income derived from the system.

PAY TV. An arrangement under which a charge is made to a subscriber for receiving a particular television program or series of program.

PUBLIC AGENCY. An agency which is supported wholly, or substantially, by public funds.

SUBSCRIBER. A person or organization whose premises are physically wired to receive any transmission from the system.

SUBSCRIBER SERVICE DROP. The extension wiring from the franchisee’s distribution lines to a subscriber’s building.

TOWN. The Town of Warrenton, North Carolina, and all the territory within the existing and future territorial corporate limits.

USER. A person utilizing a system channel as a producer, for purposes of production and/or transmission of material, or as a subscriber, for purposes of receipt of material.

(’63 Code, Ch. P, Art. 1, §1)

§112.02 FRANCHISE REQUIRED

No person shall own or operate a CATV system or other system as defined herein in the town, except by franchise granted by the town, in the form of a franchise agreement between the town and the franchisee, which shall comply with all the specifications of this chapter.

(’63 Code, Ch. P, Art. 2, §2)

§112.03 SELECTION OF FRANCHISEE

(A) In selecting a franchisee pursuant to this chapter, the town shall prepare a request for proposal to seek bids for a cable communication system to be established under franchise by the town. This request for proposal will contain information and instructions relating to the preparation and filing of proposals; conditions regarding the installation, operation and maintenance of a CATV system under town franchise; and the criteria to be used in evaluating applicant proposals.

(B) Applicants will be evaluated according to the following criteria:

- (1) Preference may be given an installation plan that would provide flexibility needed to adjust to new developments, maintenance practices, services that would be available to the subscriber and the community immediately and in the future, and length of time necessary to construct the system.
- (2) Preference may be given to applicants with the most reasonable installation and subscriber rate schedule.
- (3) The evidence of financial ability required in the applicant’s proposal shall be such as to assure ability to complete the entire system within a maximum of three years

of the date of the franchisee receives the Federal Communications Commission Certificate of Compliance.

- (4) Preference may be given upon evidence of the applicant's experience in operating a CATV system under town franchise, where such evidence would show or tend to show or confirm the ability of the applicant to furnish sufficient and dependable service to the potential public and private users.

(C) The Town Board may require a public hearing on the application prior to award of a franchise if such hearing is deemed necessary.

('63 Code, Ch. P, Art. 2, §3)

§112.04 FRANCHISE FEES

(A) During the term of any franchise granted pursuant to this chapter, the franchisee shall pay to the town for the use of its streets, public places, and other facilities, as well as the maintenance, improvements, and supervision thereof, an annual franchise fee in an amount equal to 3% of the annual gross subscriber revenues received by it from operations conducted within the town. This payment shall be in addition to any other tax or payment owed to the town by the franchisee.

(B) (1) Payments due the town under the terms of this section shall be computed quarterly as of September 30, December 31, March 31, and June 30 for the preceding quarter and shall be paid on or before the 30th calendar day from each computation date at the office of the Town Clerk and Treasurer during regular business hours. The town shall be furnished a statement with each payment, certified as correct by the franchisee, reflecting the total amount of gross subscriber revenues, and the above charges, deductions and computations, for the three month payment period covered by the payment. With the payment each year for the quarter ending on December 31, a statement prepared by a certified public accountant shall be submitted certifying that the statements filed and payments made by the franchisee for the preceding year were correct.

(2) Franchisee may elect to pay annually amounts due to the town, the payment to be due 60 days after the close of the tax year for franchisee and to be submitted with a statement from a certified public accountant certifying that the statement filed and the payment made are correct. In the event franchisee elects to make annual payments, reports and payments specified in §112.04 (B)(1) are waived.

(C) No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the town may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation hereunder.

(D) Failure to pay any fees required by this section may result in suspension of the franchise granted, and reinstatement thereof may be had only upon resolution by the Town Board and payment of the delinquent fee or fees plus any interest or penalties as may be required by the resolution.

('63 Code, Ch. P, Art. 2, §4)

§112.05 TERM AND TERMINATION OF FRANCHISE

(A) No franchise granted hereunder, nor any renewal thereof, shall be for a term of more than 15 years. A renewal may be granted not more than two years prior to the expiration of any existing term.

(B) In addition to all other rights and powers of the town by virtue of the franchise or this chapter, the town may terminate and cancel the franchise and all rights and privileges of the franchisee thereunder in the event that the franchisee:

- (1) Substantially violates any provision of the franchise agreement or this chapter, where such violation shall remain uncured for a period of 60 days subsequent to receipt by franchisee of written notice of the violation, except where such violation is not the fault of the franchisee or is due to excusable neglect; or
- (2) Attempts to evade any of the provisions of this chapter or the franchise agreement or practices any fraud or deceit upon the town.

(C) Such termination and cancellation shall be made by resolution of the Town Board duly adopted after 60 days' notice to the franchisee and shall in no way affect any of the town's rights under this franchise or any provision of law. Provided, however, that before the franchise may be terminated and canceled under this section, the franchisee shall be provided with an opportunity to be heard at a public hearing before the Town Board. The notice shall affirmatively cite the reasons alleged to constitute cause for revocation.

('63 Code, Ch. P, Art. 2, §5)

§112.06 FRANCHISE PROVISIONS

(A) All franchises granted pursuant to this chapter shall be subject to, and shall expressly indicate that they are subject to, the following provisions:

- (1) Any franchise granted hereunder shall be subject to the right of the town by resolution of its Commissioners to revoke the franchise for cause pursuant to §§112.05 (B) and (C).
- (2) Any franchise granted hereunder shall be subject to all applicable provisions of town ordinances and any amendments thereto. Should the Federal Communications Commission modify the provisions of its rules and regulations relating to federal-local regulatory relationships, the town may then amend this chapter within six months of the effective date of the modification, to be in conformance with said modification, if modification is mandatory.
- (3) Any franchise granted hereunder shall be subject to the right of the town:
 - (a) To repeal the same for misuse, non-use, or the failure to comply with the provisions of this chapter, or any other local, state or federal laws, or Federal Communications Commission rules or regulations.
 - (b) To require proper and adequate extension of the plant and service and maintenance thereof at the highest practicable standard of efficiency; the town shall require extension of subscriber service to 100% of the residents of the town within 12 months of the franchisee's receipt of the Federal Communications Commission (F.C.C) Certificate of Compliance. Any area annexed by the town subsequent to the grant of a franchise shall be served by the franchisee within one year from the effective date of annexation.
 - (c) To establish standards of service and quality of products, and to prevent unjust discrimination in service or rates.
 - (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
 - (e) To control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them. Every franchisee shall pay such part of the cost of repair of streets, alleys, bridges and public places as shall arise from its use thereof and shall protect and save the town harmless from all damages arising from its use thereof. The franchisee may be required by the town to permit joint use of its property and appurtenances located in the streets, alleys and public places of the town, by the town and other utilities in so far as such joint use may be reasonably practicable and upon payment of reasonable rental thereof.

('63 Code, Ch. P, Art. 3, §6)

§112.07 FRANCHISE AGREEMENT

(A) The applicant awarded a franchise by town resolution shall execute a franchise agreement, agreeing to the terms and provisions of the franchise and request for proposal. Failure of the selected applicant to execute such an agreement within 30 days of the town’s demand therefor shall be grounds for immediate revocation of any rights the applicant may have in the franchise.

(B) In addition to those matters required elsewhere in this chapter to be included in the franchise agreement, it must contain the following express representations by the franchisee that:

- (1) It accepts and agrees to all of the provisions of this chapter as to construction, operation, or maintenance of the system which the town may include in the franchise agreement.
- (2) It has examined all of the provisions of this chapter and waives any claims that any provisions hereof are unreasonable, arbitrary, or void.
- (3) It recognizes the right of the town to make reasonable amendments to this chapter during term of the franchise upon 60 days’ prior notice to the franchisee or without notice with respect to emergency amendments. It further recognizes and agrees that the town shall in no way be bound to renew the franchise at the end of any franchise terms. Amendments to this chapter made by the town after the execution of a contract with the franchisee shall not affect the rights and liabilities of the franchisee without their expressed approval in writing.
- (4) It recognizes and agrees that it may be considered a licensee for the purposes of this chapter.

(C) No franchise shall be exclusive.

(’63 Code, Ch. P, Art. 3, §7)

§112.08 BREACH OF FRANCHISE AGREEMENT

A breach by the franchisee of the franchise agreement, in addition to constituting a breach of contract, shall constitute a violation of this chapter.

(’63 Code, Ch. P, Art. 3, §8)

§112.09 PUBLIC SERVICE INSTALLATIONS

The franchisee shall, without charge for installation, maintenance, or service, make single installations of its standard community antenna service facilities at each fire and police station, public and private school within the town. The franchisee shall, without charge for installation, maintenance or service, make single installation of its standard community antenna services to the Town Hall and all public libraries. Such installations shall be made at such reasonable locations, as shall be requested by the respective units of government or educational institutions. Any charge for relocation of such installations shall, however, be charged at actual cost. Additional installations at the same location may be made at cost plus 10%. No monthly service charges shall be made for distribution of the franchisee’s signals within such publicly owned buildings.

(’63 Code, Ch. P, Art. 3, §9)

§112.10 CONSTRUCTION STANDARDS AND REQUIREMENTS

(A) All of the franchisee’s plant and equipment including, but not limited to, the antenna site, head-end and distribution system, towers, house connections, structures, poles, wire, cable, coaxial cable, fixtures and appurtenances shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained and operated in accordance with good engineering practices, performed by experienced poleline construction crews and so as not to endanger or interfere with the safety of any person or property, or to interfere with improvements the municipality may deem proper to make, or to interfere in any manner with the right of any property owner, or to unnecessarily hinder or obstruct pedestrian or vehicular traffic on municipal properties. Further, all such plan and equipment and all construction shall meet all relevant specifications of the Federal Communications Commission, and other applicable federal, state and local regulations.

(B) Any opening or obstruction in or disturbance in or disturbance of the streets, public ways, or other municipal properties made by the franchisee in the exercise of its rights under a franchise agreement shall be done in compliance with town ordinances which regulate work in the public ways of the town, except that any bond requirements therein may be waived in cognizance of the bond requirements of this chapter.

(C) The franchisee shall at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place or municipal property, or remove from the street or other public place or municipal property, any property of the franchisee when required by the Board of Commissioners or its designee by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks, or any other type of structures or improvements by public agencies.

(D) The franchisee shall, on the request of any private party holding an appropriate permit issued by the town, temporarily raise or lower its lines to permit the moving of any building or

other structure, and the actual expenses of the same shall be paid by the party requesting the same.

(E) Upon failure of the franchisee to commence, pursue, or complete any work required by law or by the provisions of this chapter to be done in any street or other public place or municipal property, within the time prescribed, and to the satisfaction of the Town Board or its designee, the Town Board or its designee may, at its option, cause such work to be done and the franchisee shall pay to the town the cost thereof in the itemized amounts reported by the Town Board or its designee to the franchisee within 30 days after receipt of such itemized report.

('63 Code, Ch. P, Art. 3 §10)

§112.11 REMOVAL OF FACILITIES UPON REQUEST

Upon termination of service to any subscriber, the franchisee shall promptly remove all its facilities and equipment from the premises of such subscriber upon his written request.

('63 Code, Ch. P, Art. 3 §11)

§112.12 ASSIGNMENT OF FRANCHISE

The franchise agreement shall not be assignable without the approval of the Town Board, but the approval shall not be unreasonably withheld.

('63 Code, Ch. P, Art. 3 §12)

§112.13 RECEIVERSHIP, FORECLOSURE

In the case of a foreclosure or other judicial sale of the plant, property and equipment of the franchise, or any part thereof, including or excluding this franchise, the town may serve notice of termination upon the franchisee and the successful bidder at such sale, in which event the franchise granted and all rights and privileges of the franchisee thereunder shall cease and terminate 30 days after service of such notice, unless:

- (1) The Board of Commissioners shall have approved the transfer of the franchise, as and in the manner provided in this chapter; and
- (2) Unless such successful bidder shall have covenanted and agreed with the town to assume and be bound by all the terms and conditions of the franchise.

('63 Code, Ch. P, Art. 3 §13)

§112.14 MAINTENANCE PERSONNEL AND SERVICE

(A) The franchisee shall maintain a force of agents or employees at all times and shall have sufficient employees to provide safe, adequate and prompt service of its facilities.

(B) In addition, the franchisee shall maintain a convenient service in the town during normal business hours; shall provide for regular billings or accounts; shall further maintain a maintenance service which shall be promptly available to subscribers within 24 hours upon telephone request; and shall maintain a toll-free phone number.

('63 Code, Ch. P, Art. 3 §14)

§112.15 SERVICE QUALITY REQUIREMENTS

The franchise shall:

(A) Produce a picture; whether in black and white or in color, that is undistorted, free from ghost images, and accompanied with proper sound on typical standard production television sets in good repair, and as good as the state of the art allows;

(B) Transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cables or interfering with other electrical or electronic systems;

(C) Limit failure to a minimum by locating and correcting malfunctions promptly, but in no event longer than 24 hours after notice;

(D) Notify subscribers affected 24 hours prior to any planned interruption of service;

(E) Demonstrate, when necessary, by instruments and otherwise to subscribers that a signal of adequate strength and quality is being delivered;

(F) Maintain a written record listing full details of all customer complaints and resolution of the complaints, disconnections and new subscribers. Such records shall be available for inspection by the town.

('63 Code, Ch. P, Art. 3 §15)

§112.16 FILINGS AND COMMUNICATIONS WITH REGULATORY AGENCIES

Copies of all petitions, applications and communications submitted by the franchisee to the Federal Communications Commission, Securities and Exchange Commission or any other

federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting CATV operations authorized pursuant to the franchise, shall be submitted simultaneously to the town.

('63 Code, Ch. P, Art. 3 §17)

§112.17 PERMITS AND AUTHORIZATIONS

The franchisee or applicant for franchise shall diligently apply for all necessary permits and authorizations required in the conduct of its business, and shall diligently pursue the acquisition thereof and when any such permit, authorization, contract or waiver is obtained, a copy thereof shall be promptly filed by the franchisee with the town.

('63 Code, Ch. P, Art. 3 §17)

§112.18 REPORTS

(A) Each franchisee shall file with the town yearly reports of gross subscriber revenues signed by a certified public accountant. Each franchisee shall also allow the Board of Commissioners to audit all of its accounting and financial records upon reasonable notice; make available all of its plans, contracts and engineering, statistical customer and service records relating to its system and all other records required to be kept hereunder; and at all times maintain complete and accurate books of account, records of its business and operations, and all other records required by this chapter or the franchise.

(B) Each franchisee shall file annually with the town an ownership report, indicating all persons who at any time during the preceding year did control or benefit from an interest in the franchise of 1% or more.

(C) Each franchisee shall also file annually with the town copies of all rules, regulations, terms and conditions which it has adopted for the conduct of its business.

('63 Code, Ch. P, Art. 3 §18)

§112.19 NEW DEVELOPMENTS

The Board of Commissioners may amend this chapter or the franchise whenever necessary to enable the franchisee to take advantage of any developments in the field of transmission of communication signals which will afford it an opportunity to more effectively, efficiently or

economically serve its customers. This section shall not be construed to require the town to make any such amendment.

('63 Code, Ch. P, Art. 3 §19)

§112.20 LIABILITY AND INDEMNIFICATION

(A) The franchisee shall pay, and by its acceptance of a franchise specifically agrees that it will pay all damages and penalties which the town may legally be required to pay as a result of granting this franchise. These damages or penalties shall include, but shall not be limited to, damages arising out of copyright infringements and all other damages arising out of the installation, operation, or maintenance of the CATV system authorized herein, whether or not any act or omission complained of its authorized, allowed or prohibited by this chapter.

(B) The franchisee, upon receipt of due notice in writing from the town, shall defend at its own expense any action or proceeding against the town arising from the franchisee’s activities relative to its cable communications system.

(C) The franchisee shall maintain and by its acceptance of franchise specifically agrees that it will maintain throughout the terms of any franchise liability insurance insuring the town and the franchisee with regard to all damages mentioned in §112.20(A) in the minimum amounts of:

- (1) \$500,000 for bodily injury or death resulting from any one accident
- (2) \$500,000 for property damage resulting from any one accident
- (3) \$1,000,000 for all other types of liability.

(D) Evidence of such insurance obtained by the franchisee in compliance with this section must be filed with the Town Clerk during the term of any franchise.

('63 Code, Ch. P, Art. 3 §20)

§112.21 SUBSCRIBER RATES

(A) The following definitions shall apply to the words as used in this section:

BASIC SERVICE Those channels specified by the franchisee in its application, or an equivalent number of channels.

PREMISE A single-family housing unit intended for occupancy by members of the same family unit, or a commercial establishment which does not offer lodging or accommodations on a charge basis.

(B) The standard rates which may be charged by the franchisee to subscribers shall be as follows:

- (1) Total monthly services and maintenance charges relative to basic service at one premise (excluding pay TV):
 - (a) For one cable termination (per premise), \$8
 - (b) For each additional termination over one at the same premise, \$1.

Provided, however, the franchisee shall be allowed to negotiate and modify monthly service and maintenance rates with owners or managers of multi-premise units and commercial establishments charging for lodging or accommodation so long as the fixed payment for cable service is made directly to the franchisee by the owners or managers of such establishments, and such monthly payment shall not vary as to whether or not the premises or establishments are in full use or occupancy.

- (2) Total installation fees for basic service (excluding pay TV):
 - (a) For installing up to two connections made at one time at the same premises, \$15
 - (b) For each additional or later connection, \$10.
- (3) The franchisee shall not be permitted to increase the monthly rates in excess of 10% during any calendar year without permission of the town. Provided, the town shall be notified in writing at least 30 days prior to any proposed increase in monthly rates, such notice to be accompanied with supporting data justifying the proposed increase. Any increase in the monthly rates shall at all times be subject to the approval of the Town Board, if it so elects.

('63 Code, Ch. P, Art. 4 §22)

(C) If, in the future, the state or the United States government or any regulatory agency thereof regulates the rates of the franchisee for the service provided for in the franchise, this section shall be of no effect during such regulation to the extent of any conflict therewith.

('63 Code, Ch. P, Art. 4 §23)

§112.22 NON-ENFORCEMENT NOT ESTOPPEL; NO RECOURSE AGAINST TOWN

(A) The franchisee shall not be relieved of its obligation to comply promptly with any of the provisions of the franchise by any failure of the town to enforce prompt compliance.

('63 Code, Ch. P, Art. 4 §24)

(B) The franchise shall have no recourse whatsoever against the town or its officers, boards, commissions, agents, or employees for any loss, cost, expense or damage arising out of any provision or requirement of this franchise because of its enforcement.

('63 Code, Ch. P, Art. 4 §25)

CHAPTER 113: TAXICABS

Section

- 113.01 Definitions**
- 113.02 Operator’s license**
- 113.03 Inspection by Police Department**
- 113.04 Transfer of permits**
- 113.05 Proof of financial responsibility**
- 113.06 Name of owner and identifying number to be painted on vehicle**
- 113.07 Type and style of vehicle to be used**
- 113.08 Revocation of permits or licenses**
- 113.09 Driver’s permit**
- 113.10 Driver’s permit to be displayed**
- 113.11 Annual license tax**
- 113.12 Purchase and delivery of whiskey prohibited**

Cross-reference:

Parking of taxicabs within same block, see §72.05

§113.01 DEFINITIONS

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER’S PERMIT The permit issued after examination, authorizing a person to drive a taxicab operating under this chapter.

OPERATOR’S LICENSE The permit or license issued to a person who owns a taxicab.

PERSON Individuals, firms, corporations or associations of persons.

STREETS Every street, alley, or driveway, whether improved or unimproved, which has been dedicated to the public and is under the charge and control of the town.

TAXICAB Every vehicle driven or propelled by gasoline, electric motor, or other mechanical devices other than motor buses operating along regular routes or schedules, which shall be used for the purpose of carrying, transporting or conveying any person from one place to another, which is designed to seat not more than nine persons, and for which service a charge is made.

('63 Code, Ch. G, Art. VII, §1) (Ord. passed 5-31-62)

§113.02 OPERATOR'S LICENSE

(A) Before any person shall operate a taxicab on the streets of the town, he shall obtain a permit from the Board of Commissioners to engage in the business of operating such taxicab, and he shall file a written application for such a permit or license, and after receiving such permit or license he shall file an additional application with the Board of Commissioners for every additional taxicab proposed to be used by him.

(B) The application for such permit or license shall be filed with the Town Clerk and shall contain substantially the following information:

- (1) The full name and address of applicant.
- (2) A statement to the effect that the applicant is familiar with the ordinances of the town relating to the licensing and regulation of taxicabs and taxicab drivers, financial responsibility requirements, and other matters covered by this chapter.
- (3) A complete list of applicant's motor equipment, showing year, make, model and carrying capacity of each unit.
- (4) A statement of experience of the applicant in conducting a taxicab business.
- (5) A full statement of facts which, if supported by testimony at a hearing, will support a finding of public convenience and necessity for the operation of the taxicab or taxicabs for which such operator's license is sought.

(C) The Board of Commissioners will determine whether or not a permit or license shall be issued and whether public convenience and necessity require the issuance thereof. In determining whether public convenience and necessity require the franchise of such taxicabs, the Board of Commissioners shall, among other things, take into consideration the following factors:

- (1) Whether or not there is any need for such proposed or additional taxicab service within the town.
- (2) The financial responsibility of the applicant and the likelihood of the proposed service being permanent, responsible and satisfactory.
- (3) The number and condition of the units of applicant's equipment.

- (4) The number of taxicabs now licensed in the town and the demand for increased service, if any, and whether or not the safe use of the streets by the public, both vehicular and pedestrian, will be preserved, and whether or not adequate provision has been made for off-street parking of applicant's units.
- (5) The experience of the applicant in the taxicab business.
- (6) Such other relative facts as may be deemed necessary or advisable.

('63 Code, Ch. G, Art. VII, §2) (Ord. passed 5-31-62) Penalty, see §10.99

§113.03 INSPECTION BY POLICE DEPARTMENT

After filing application for a permit or license to operate a taxicab, the applicant must submit and present each vehicle for which an application has been made to the Chief of Police of the town or his designated agent or assistant, at a time and place to be fixed by the Chief of Police, for an inspection of brakes, lights, windshield wiper, horn and all other safety features of the vehicle, and for the inspection of the interior of the taxicab with respect to the general condition of the upholstery, rugs, or other floor covering, and the general cleanliness thereof.

('63 Code, Ch. G, Art. VII, §3) (Ord. passed 5-31-62)

§113.04 TRANSFER OF PERMITS

No permit granted by the Board of Commissioners to operate a taxicab within the town shall be transferable, and in case the person who has secured a permit to operate such vehicle disposes of the same by sale, lease or gift, or any other means, or the ownership or possession passes from such person by any means, the permit theretofore issued to such person for the operation of such vehicle shall thereupon immediately become null and void; and in the event any vehicle for the operation of which the owner has secured a permit as provided by this chapter shall become unfit for use and its use is discontinued by such owner for taxicab purposes and if such owner shall desire to operate another vehicle in its place, then such owner shall file an affidavit with the Town Clerk setting forth the fact that such vehicle has been withdrawn from use and that such other vehicle is proposed as a replacement for it. Such affidavit shall be filed before the replacement vehicle shall be operated as a taxicab, and the replacement vehicle shall not be operated as a taxicab until it has passed inspection by the Police Department as hereinabove provided in §113.03.

('63 Code, Ch. G, Art. VII, §5) (Ord. passed 5-31-62)

§113.05 PROOF OF FINANCIAL RESPONSIBILITY

Before any person shall operate, or cause to be operated, a taxicab on the streets of the town, he shall furnish to the Board of Commissioners continuous proof that he has in effect for each taxicab so operated a policy of liability insurance, in an insurance company licensed to business in the state, or a surety bond with personal or corporate surety, whose solvency shall at all times be subject to the approval of the Board of Commissioners, each of which shall be conditioned upon such operator's responding in damages for any liability incurred on account of injury to persons or damage to property resulting from the operation of any such taxicab in the amounts as follows: \$5,000 for bodily injury to or death of one person in any one accident and subject to such limit for one person, \$10,000 for bodily injury or death of two or more persons in any one accident, and \$1,000 for injury to or destruction of property of others in any one accident. It is the purpose and intent of this section to require proof of financial responsibility in the highest amounts permitted by law, and in the event the General Assembly of North Carolina permits the Board of Commissioners of the town to require proof of financial responsibility with higher limits for injury to or death of one or more persons, or damage to property, than those hereinabove set out in this section, then this section shall be automatically amended upon the effective date of the legislation authorizing such higher limits, and upon such amendment the limits herein provided for shall thereupon be automatically increased to the highest amounts permitted under state law.

('63 Code, Ch. G, Art. VII, §7) (Ord. passed 5-31-62)

§113.06 NAME OF OWNER AND IDENTIFYING NUMBER TO BE PAINTED ON VEHICLE

Every taxicab operated upon the streets of the town shall have the name of the owner thereof and the identification number assigned to such vehicle by the town painted upon each side of the main portion of the body of such vehicle in letters at least two inches in height and in a manner plainly visible at all times, and shall have affixed to its top an identifying light, which shall be operated whenever the operation of headlights is required.

('63 Code, Ch. G, Art. VII, §4) (Ord. passed 5-31-62) Penalty, see §10.99

§113.07 TYPE AND STYLE OF VEHICLE TO BE USED

No motor vehicle shall be operated upon the streets of the town as a taxicab unless the vehicle is equipped with at least two doors for passengers to enter and leave the vehicle, exclusive of the door or doors serving the driver or front seat.

('63 Code, Ch. G, Art. VII, §6) (Ord. passed 5-31-62) Penalty, see §10.99

§113.08 REVOCATION OF PERMITS OR LICENSES

The Board of Commissioners shall have the right and power to revoke at any time a permit or license issued to any person to whom such permit or license has been issued is found to have made a false statement of any material fact in his application therefore, or if he shall be convicted of a felony or the violation of any federal or state statute relating to the use, possession, or sale of intoxicating liquors or narcotic drugs, any federal or state statute relating to prostitution, or if such person repeatedly violates traffic ordinances or laws, or becomes an habitual user of intoxicating liquors or narcotic drugs, or if the drivers employed by such person are repeatedly convicted of violations of the above provisions. The Board of Commissioners shall have further power and authority to revoke any permits or license for the operation of a taxicab or taxicabs when the Board finds that the continued operation thereof by such permittee or licensee will be contrary to the public welfare, morale, safety or convenience, or that public necessity and convenience no longer require that the number of taxicabs then in operation be continued.

('63 Code, Ch. G, Art. VII, §8) (Ord. passed 5-31-62)

§113.09 DRIVER'S PERMIT

(A) No person shall drive or operate any taxicab from place to place within the corporate limits of the town or within a distance of two miles thereof, unless such person has first applied to and received from the Chief of Police a driver's permit to operate a taxicab.

(B) The application required of applicant to drive a taxicab, as provided in division (A) hereof, shall be made upon blanks furnished by the town for such purpose and shall, among other things, state the name, address, physical condition, physical description, former employers, court record and North Carolina Chauffeur's license number. Such application shall be signed and sworn to by the applicant. The applicant shall further appear at the office of the Police Department at a time designated by the Chief of Police for the purpose of having his fingerprints taken, and he shall at that time furnish a photograph of himself taken within the past twelve months, which must be a reasonable likeness of the applicant to the satisfaction of the Chief of Police. Both fingerprints and photograph shall constitute a part of the application.

(C) The Chief of Police is hereby charged with the duty of investigating the facts stated in the application and report his findings and recommendations to the Board of Commissioners.

(D) If the Board of Commissioners finds that the applicant has not been convicted of a felony or a violation of any federal or state statute relating to the use, possession, or sale of intoxicating liquors or narcotic drugs; that the applicant is a citizen of the United States; that he is not an habitual user of intoxicating liquors or narcotic drugs; and that he has not been an

habitual violator of traffic laws, the Board of Commissioners shall issue a permit to the applicant to drive a taxicab.

(E) At any time after the issuance of a permit to any person to drive a taxicab, the Board of Commissioners may revoke such permit if the person holding the same is convicted of a felony, a violation of any federal or state statute relating to the use, possession or sale of intoxicating liquors or narcotic drugs, repeated violations of traffic laws or ordinances, or a violation of any state or federal statute relating to prostitution; or if such person becomes an habitual user of intoxicating liquors or narcotic drugs; or if the Board of Commissioners finds that such person made a false statement of any material fact in his application for such permit.

(’63 Code, Ch. G, Art. VII, §) (Ord. passed 5-31-62) Penalty, see §10.99

§113.10 DRIVER’S PERMIT TO BE DISPLAYED

The driver of every taxicab shall, at all times while operating the taxicab, prominently post and display in such taxicab, so as to be visible to the passengers therein, his permit to drive a taxicab, to which shall be affixed a copy of the photograph of such person which was submitted with his application for a driver’s permit, or a more recent photograph of such person if, in the judgment of the Chief of Police, the photograph so furnished with such person’s application ceases to be a reasonable likeness of him.

(’63 Code, Ch. G, Art. VII, §10) (Ord. passed 5-31-62) Penalty, see §10.99

§113.11 ANNUAL LICENSE TAX

Every person, firm or corporation, before operating any taxicab within the corporate limits of the town, or within such corporate limits and within a radius of two miles outside of the corporate limits, shall apply to and secure from the Town Clerk an annual license for the privilege of operating each such taxicab, and shall pay for such annual license a tax in the sum of \$15 for each taxicab operated. The license tax herein provided for is in addition to the privilege license of \$1 levied by the town upon each vehicle resident within such town.

(’63 Code, Ch. G, Art. VII, §12) (Ord. passed 5-31-62) Penalty, see §10.99

§113.12 PURCHASE AND DELIVERY OF WHISKEY PROHIBITED

It shall be unlawful for any taxicab operator or driver to purchase for delivery, or deliver, by means of any taxicab any whiskey, whether legal or illegal, to or for any person.

(’63 Code, Ch. G, Art. VII, §11) (Ord. passed 5-31-62) Penalty, see §10.99

CHAPTER 114: SIDEWALK DINING

Section

- 114.01 Purpose**
- 114.02 Definitions**
- 114.03 Permit Required**
- 114.04 Application for Permit**
- 114.05 Sidewalk Dining Requirements and Conditions**
- 114.06 Registration, Inspection and Fee Prior to Usage**
- 114.07 Denial of Permit**
- 114.08 Revocation of Permit**
- 114.09 Enforcement**

§114.01 PURPOSE: The purpose of this ordinance shall be to establish a Sidewalk Dining Ordinance within the Town of Warrenton to promote the health, safety and welfare of persons operating sidewalk dining within the Town and to protect the safety of their patrons, pedestrians and other users of roads. The Town may enter into an agreement with the North Carolina Department of Transportation to permit use of the State right of way as provided by N.C. General Statute § 136-18(9) and § 136-27.4.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.02 DEFINITIONS: For the purpose of this section, the following words and phrases shall have the following meanings.

Restaurant means a food or lodging establishment that prepares and serves drink or food as regulated by the Commission pursuant to Part 6 of Article 8 of this Chapter. N.C.G.S. § 130A-492(15).

Restaurant Operator means the person, firm or corporation operating a restaurant and associated outdoor dining area.

Premises means all areas, whether inside or outside the licensed premises, where the permittee has control of the property through a lease, deed or other legal process. G.S. 18B-101(12a).

Sidewalk means all area legally open to public use as a pedestrian public way between the curb line and the public right of way boundary along the abutting property..

Sidewalk Dining Activities means serving food and beverages from a restaurant abutting State right of way to customers seated in the State right of way.

§114.03 Permit Required: A permit is required for sidewalk dining activities on State right-of-way associated with components of the State highway system.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.04 Application for Permit

(A) Sidewalk Dining shall only be permitted at such locations and subject to the regulations as set forth in this ordinance.

(B) No restaurant may extend its dining operations onto the sidewalk lying within the State right of way without first obtaining a permit in accordance with the requirements of this ordinance.

(C) The Town of Warrenton has been given the administrative right to permit sidewalk dining activities under this section and may impose additional requirements on a case-by-case basis. Nothing in this section requires the Town of Warrenton to issue or maintain any permit for sidewalk dining activities if, in the opinion of the Town Administrator, such activities cannot be conducted in a safe manner.

(D) Any eating establishment or restaurant desiring to operate sidewalk dining area on State right of way shall, before the issuance of a permit, prepare and file an application with the appropriate Town Administrator or his/her designee which shall contain the following information.

1. The name, address, and telephone and telephone number of the restaurant applying to operate sidewalk dining.
2. The name, address and telephone number of the restaurant operator. If a restaurant is operated by a person, firm or corporation who is not the owner, the application shall be submitted by both, jointly.

3. The hours of operation of the restaurant and the proposed hours of operation of the sidewalk dining area.
4. A scaled drawing or site plan indicating the proposed sidewalk dining area boundary and the section to remain clear for pedestrian use, and depicting the proposed placement of obstruction on the sidewalk.
5. Evidence of insurance and a statement of indemnity as required by this ordinance.
6. Such additional information as may be requested by the Town Administrator or his or her designee to determine compliance with this section.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.05 Sidewalk Dining Requirements and Conditions

(A) Table, chairs, and other furnishings shall be placed a minimum of six (6) feet from any travel lane.

(B) Table, chairs, and other furnishings shall be placed in such a manner that at least five (5) feet of unobstructed paved space of the sidewalk, measured from any permanent or semi-permanent object, remains clear for the passage of pedestrians and provides adequate passing space that complies with the Americans with Disabilities Act.

(C) Table, chairs, and other furnishings shall not obstruct any driveway, alleyway, building entrance or exit, emergency entrance or exit, fire hydrant or standpipe, utility access, ventilations areas, or ramps necessary to meet accessibility requirements under the Americans with Disabilities Act.

(D) The maximum posted speed permitted on the roadway adjacent to the right of way to be used for sidewalk dining activities shall not be greater than 35 miles per hour.

(E) The restaurant operator shall provide evidence of adequate liability insurance in an amount satisfactory to the local government, but in no event in an amount less than amount specified by the local government under N.C.G.S. §160A-485 as the limit of the local government’s waiver of immunity or the amount of tort Claim liability specified in N.C.G.S. §143-299.2, whichever is greater. The insurance shall protect and name the N.C. Department of Transportation and the Town of Warrenton as additional insureds on any policies covering the business and the sidewalk activities.

(F) The restaurant operator shall provide an agreement to indemnify and hold the Department or the local government from any claim resulting from the operation of sidewalk dining activities.

(G) The restaurant operator shall provide a copy of all permits and licenses issued by the State, county and town including health and ABC permits, if any, necessary for the operation of the restaurant or business, or a copy of the application for the permit if no permit has been issued. This requirement includes any permits or certificates issued by the county and town for exterior alterations or improvements to the restaurant.

(H) The restaurant operator shall cease part or all sidewalk dining activities in order to allow construction, maintenance, or repair of any street, sidewalk, utility, or public building, by the Department, the Town, its agents or employees, or by any other governmental entity or public utility.

(I) Except as elsewhere permitted, the operation or furnishing of the sidewalk café shall not involve any permanent alteration to or encroachment upon any street or sidewalk. The restaurant operator and or owner of the sidewalk dining operation shall be responsible for repairing any incidental damage to State right-of-way resulting from the operation of the sidewalk dining.

(J) For applications along a federal-aid route or where the laws of the United States otherwise require, obtain permission from the Federal Highway Administration to permit the right of way to be used for the sidewalk dining.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.06 Registration, Inspection and Fee Prior to Usage

(A) All person seeking to use the sidewalk for dining activities must complete an application and submit it to the Town for approval. Before sidewalk dining activities are permitted on State right of way, the restaurant operator must have a valid issued permit.

(B) Each restaurant operator must have proof of ownership, and liability insurance, and a completed Waiver of Liability, releasing the N.C. Department of Transportation and the Town from liability that may arise as a result of operation of a sidewalk dining inside Town limits.

(C) All sidewalk dining locations must meet the requirements or minimum standards as set forth above in this Ordinance or additional local ordinances.

(D) All restaurant operators must maintain a sidewalk valid permit, liability insurance, business license, and health permit while operating sidewalk dining on State right of way.

(E) The sidewalk permit shall be valid for no more than 2 years and is not transferable or assignable.

(F) A fee as provided in the Town fee schedule to cover the cost of processing and investigating the application shall be paid prior to issuing the permit.

§114.07 Denial of Permit

A permit may be denied if Town Administrator or his or her designee finds that granting a permit would not be in the public interest or would present a safety issue. Any applicant denied a permit to operate sidewalk dining shall receive written notification, outlining the grounds on which the denial is based.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.08 Revocation of Permit

The Town Administrator or his or her designee may revoke a permit issued pursuant to this ordinance, if he or she finds that the restaurant/ restaurant operator has:

- (a) Deliberately misrepresented or provided false information in the application.
- (b) Operated the sidewalk dining in such a manner as to create public nuisance or to constitute a hazard to the public health, safety.
- (c) Failed to maintain any insurance, health, business or other permit or license required by the law for the operation of a restaurant.

(Ord. passed 9-8-2014) Penalty, see §114.99

§114.99 Enforcement

Only sidewalk dining activities as permitted by the Town of Warrenton pursuant to this ordinance pursuant to N.C.G.S. § 136-27.4 are allowed. Violation of this ordinance by unpermitted use, or attempted use of the sidewalk areas within the Town for commercial purposes shall be unlawful. Said violation shall be punished as a Class 1 misdemeanor. Each day's use or attempted use shall constitute a separate offense.

(Ord. passed 9-8-2014) Penalty, see §114.99

CHAPTER 115: SECURITY REQUIRED FOR BUSINESSES SERVING ALCOHOL

Section

115.01 Purpose

- 115.02 Definitions**
- 115.03 Permit Required**
- 115.04 Application for Permit**
- 115.05 Security Requirements and Conditions**

- 115.99 Enforcement & Penalties**

§115.01 PURPOSE: The purpose of this ordinance shall be to establish, within the Town of Warrenton, guidelines to promote the health, safety and welfare of persons who operate such establishments serving alcohol which operate within the Town and to protect the safety of their patrons, pedestrians and other citizens.

(Ord. passed 1-11-2016) Penalty, see §115.99

§115.02 DEFINITIONS:

Alcohol Serving Business - means any business or establishment that operates within the Town of Warrenton and its jurisdiction and has been issued any type of permit to sell alcoholic beverages for on-site consumption by the North Carolina Alcoholic Beverage Control Commission, including those as currently defined in Chapter 18B of the North Carolina General Statutes, (Restaurants; Hotels; Eating establishments; Food businesses; Retail businesses; Private clubs; Convention centers; Community theatres.

Chief of police - means Chief of Police of the Town of Warrenton, or his or her designee.

Criminal act - means and refers to a violation of the North Carolina General Statutes which is classified as a misdemeanor, or felony, or likewise violation of a Town Ordinance. The issuance of a criminal arrest warrant against a patron on said premises shall constitute prima face evidence of the occurrence of a criminal act. The criminal act must be one which was caused by, aggravated by, or allowed by the action or failure to act by the Business Owner, its managers, agents or employees. The Town’s intent is for the Business Owner to act in a prudent and reasonable manner in running his/her business and to call law enforcement for assistance or apprise them of situations which could likely result in a criminal act. (See also the requirements of N.C.G.S. § 18B-1005).

Town - means the Town of Warrenton, North Carolina.

Town Administrator - means the Town Administrator of the Town of Warrenton, or his or her designee.

On-site manager - means the person principally in charge of the Alcohol-Serving Business when the licensee of the establishment is not on site and who is listed with and approved by the city as an on-site manager of the alcohol serving business.

Owner - means the legal owner of an alcohol serving business or establishment and includes the following:

- (1) The owner of a sole proprietorship; or
- (2) Each member of a firm, association, limited liability company, or general partnership; or
- (3) Each general partner in an limited partnership; or
- (4) Each officer, director, and owner of twenty-five (25) percent or more of the stock of a corporation.

Patron - means any person who:

- (1) Is allowed to enter an alcohol-serving business in return for the payment of a membership fee or any other form or consideration or gratuity; or
- (2) Enters an alcohol-serving business and purchases an alcoholic beverage, otherwise partakes of an alcoholic beverage, or partakes of any other drink, food, merchandise, goods, entertainment, or other services offered therein; or
- (3) Is a member of or guest of a member and on the premises operating as a private club.

Person - means an individual, proprietorship, partnership, corporation, Limited Liability Company, association or other legal entity.

Police department - means the Police Department of the Town of Warrenton.

(Ord. passed 1-11-2016)

§115.03 PERMIT REQUIRED

(A) Any such business or establishment which serves alcohol defined herein shall be required to have at all times a valid license issued in accordance with the State ABC laws in Chapter 18B.

(B) Such Business shall be required to have a permit issued by the Town. The Town shall not charge any fee for said permit. The Permit shall require the Owner to provide and maintain a list containing the names and contact information for all Owner(s), ABC Permit holder(s); and On-Site Managers for said Business. Such Business shall be required to update the Town of changes to said list of information within 10 calendar days of any change.

(C) Any such business or establishment herein shall be required to have an On-Site Manager while open and/or allowing patrons to occupy the business. It shall be unlawful for any licensee to relinquish control of an alcohol-serving business to any other person except an on-site manager. The licensee or an on-site manager must remain on and in control of the premises during all events, including private parties.

(D) The Owner(s) and On-Site manager(s) of a facility are jointly responsible for compliance with this article without regard to assignment or sublease of the premises to any other person or entity for any entertainment. If the use of a facility is assigned or subleased to another person or entity, the assignee or subtenant (which may be referred to as a "promoter"), said assignee or subtenant shall be jointly responsible with the owner(s) and manager(s) for compliance with this article. The Owner shall notify the Town's Police Department no later than 10 calendar days prior to any advertised or unadvertised special entertainment to be held at the Business.

(E) The Owner(s) shall provide a written security plan, which describes in detail all procedures which the entertainment facility shall use. (*ie*: number and placement of security cameras, alarm systems, etc.) It is a violation of this article for an owner, manager, assignee and/or sub-tenant of an entertainment facility to fail to provide the minimum security requirements described herein, unless exempted pursuant to § 115.05. Penalty, see §115.99

(Ord. passed 1-11-2016)

§115.04 SECURITY REQUIREMENTS AND CONDITIONS

(A) All such alcohol serving business shall have qualified security staff during the below-designated times; said security staff shall perform such duties and maintain such qualifications which shall include:

1. Providing security that is plainly visible to patrons inside the premises of the facility. Security staff will also be plainly visible outside of the facility at parking sites immediately adjacent to the business, which are used by patrons or on a street immediately adjacent thereto, as well as the perimeters of the building in which the facility is located and areas within one hundred and fifty (150) feet of the entrances to the facility at which a line/group of patrons has formed.

2. Being on duty when the entertainment begins or 11:00 p.m., whichever occurs first in time. Security staff shall remain on duty for at least one-half (½) hour after the facility has closed or after all patrons have vacated the area immediately surrounding the premises and the adjacent parking lots used by patrons, whichever occurs later in time.
3. Having a minimum of one security staff person for the first 50 persons the business or building is rated for in occupancy capacity, and one additional security staff person for every additional 50 person capacity of the business/building. *(For Example - A building which has a capacity of 50 persons only needs one security staff, a building which holds up to and including 100 needs two security staff, a building which hold up to and including 150 needs three security staff, etc.)*
4. Making every reasonable effort to remove disruptive persons separately and ensure that each departs the premises and parking area prior to the next disruptive person being removed from the premises and parking area.
5. Removing, if found, any illegal contraband from patrons, reporting its existence to the Warrenton Police Department, or other such law enforcement agency having jurisdiction, identifying the person(s) in possession of the illegal contraband and immediately turn it over to the proper law enforcement authorities.
6. At closing time, being responsible for clearing the patrons of the facility from the sidewalk and street areas in front of the premises and vacate the area immediately surrounding the premises and the adjacent parking lots used by patrons.
7. Displaying, while on duty, a nameplate containing that person's full name and the word "SECURITY" printed in bold, capital letters. The nameplate shall be exhibited prominently on the clothing, at chest level, and shall be visible and easily read at all times. The nameplate shall be a minimum of three inches high and nine inches wide, with the required information printed in capital letters, at least two and one-half (2½) inches high and in a contrasting and highly visible color. As an alternative to a nameplate, the security personnel's name and the word "SECURITY" may be embroidered on the security personnel's outermost garment with the required information meeting the above specifications and located at chest level.
8. Not allowing any security staff to, sit at the bar, consume alcoholic beverages or any controlled substance, be under the influence of alcoholic beverages or any controlled substance, or engage in any other violations of law while on duty. Additionally, the facility shall not allow any security staff to, and no security staff shall at any time, serve any patron any food, drink, alcohol or other consumable item or items.

9. Maintaining order at the facility premises and ensuring the patrons do not carry concealed weapons, including, but not limited to, guns and knives, unless such patron possesses a current concealed carry permit in accordance with state law effective October 1, 2013. N.C.G.S. § 14-415.11 (c2). It shall be unlawful for a person, with or without a permit, to carry a concealed handgun while consuming alcohol or at any time while the person has remaining in the person's body any alcohol or in the person's blood a controlled substance previously consumed. A person does not violate this condition if a controlled substance in the person's blood was lawfully obtained and taken in therapeutically appropriate amounts.

B. Qualifications

1. Qualifications for a security guard shall be the same as those defined by N.C.G.S. §74C or shall be a uniformed off-duty sworn law enforcement officer within his or her jurisdiction.
2. All security staff shall register and maintain a valid certification as a security guard pursuant to the requirements of N.C.G.S. § 74C-13 et seq., and shall attend and obtain certification by successfully completing the security officer training course offered pursuant to the North Carolina Private Protective Services Board.
3. Law enforcement officers who act as security staff shall hold a valid and current certification as a law enforcement officer issued by either North Carolina Sheriffs' Education and Training Standards Commission or the North Carolina Criminal Justice Education and Training Standards Commission and pursuant to N.C.G.S. §74C-21.

(Ord. passed 1-11-2016)

§115.05 EXEMPTION TO SECURITY REQUIREMENTS

(A) All such alcohol serving businesses defined herein, including those existing as of the date of the enactment of this article, shall be exempt from the security requirements, until and unless such business has an incident involving a criminal act, as defined in this article. Upon the occurrence of a criminal act, herein defined, the business shall be given written notice by the Police Chief that the security requirements shall be required at the Business ten business days after receiving said notice. A determination of criminal act shall be made by a records review conducted by the Warrenton Police Department. The security requirements shall continue to be required at said Business until there has been no criminal acts at the Business for a period of three (3) years.

(B) If any such business disagrees with the Police Chief's determination to end the business' security requirement exemption, then the owner of said business may seek review with the Town Administrator within the ten calendar days of receipt of notice. Said request to review the Police Chief's decision must be in writing and received by the Town Administrator within 10 calendar days of receipt of notice from the Chief. Pending review and decision of the Town Administrator, the security requirement exemption shall continue. The Town Administrator shall issue a written notice to the Business of his or her decision. If the Town Administrator's decision upholds imposing the security requirements then the Business shall comply with the security requirements within ten calendar days of notice from the Town Administrator's decision. If the business owner disagrees with the Town Administrator's decision, then the business owner may seek review with the Town Board within ten calendar days of notice from the Town Administrator. Said request to review the Town Administrator's decision must be in writing and received by the Town Administrator within 10 calendar days. Pending review and decision of the Town Board, the security requirement exemption shall continue. The Town Board shall review such decision in a public session, where the business owner can offer such information relevant to the event for the Board to consider. The Town Board shall issue a written notice to the Business of its decision. If the Town Board's decision upholds the Police Chief's determination to end the security requirement exemption then the Business shall comply with the security requirements within ten calendar days of receipt of the Board's decision.

(Ord. passed 1-11-2016)

§115.99 ENFORCEMENT AND PENALTIES

(A) Where there is a reported violation of any provision of this Ordinance, and such violation is observed by a Town police officer, or in the event that a Town police officer observes a violation in the absence of a report, the Town police officer may issue a citation subjecting the violator to civil and criminal penalties as set forth below:

(1) Any violation of this chapter shall subject the offender to a civil penalty in the amount of \$50.

(2) Each day's continuing violation shall be a separate and distinct offense which shall subject the offender to an additional civil penalty in the amount of \$50 per day of the continuing violation.

(3) Notwithstanding subsections (1) and (2) above, provisions of this chapter may be enforced through equitable remedies issued by a court of competent jurisdiction.

(4) In addition to and/or in lieu of remedies authorized in subsections (1) through (3) above, violations of this chapter may be prosecuted as a misdemeanor with a fine of \$50.00 plus court costs in accordance with N.C.G.S. §160A-175.

(B) After having received two prior violations of the provisions of this Ordinance at the same establishment, a third violation shall be cause for an immediate revocation of the business permit and subject the permit holder to an additional civil penalty in the amount of \$200. Upon receiving notice of a revocation of the business permit from the Town Administrator, said permit holder shall have ten business days to request a hearing before the Town Board.

(Ord. passed 1-11-2016)

CHAPTER 116: SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS

Section

116.01 **Sunday Sales permitted beginning at 10:00 am**

116.02 **Conflict**

116.03 **Effective**

§116.01 Pursuant to the authority granted by S.L. 2017-87 any establishment located in the Town of Warrenton and holding an ABC permit issued pursuant to G.S. 18B-1 001 is permitted to sell beverages allowed by its permit beginning at 10:00 a.m. on Sundays.

§116.02 All laws and clauses of laws in conflict herewith are repealed to the extent of any such conflict.

§116.03 This ordinance is effective upon adoption.

(Ord. passed 7-10-2017)

TITLE XIII: GENERAL OFFENSES

CHAPTER

130. GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

Section

- 130.01 Disorderly conduct**
- 130.02 Disturbing the peace**
- 130.03 Shooting projectiles; shooting firearms for amusement**
- 130.04 Injuring, defacing or interfering with property**
- 130.05 False fire alarm**
- 130.06 Consumption of alcohol in public**
- 130.07 Loitering for the purpose of engaging in drug-related activity**
- 130.08 Loitering**
- 130.09 Playing in street**
- 130.10 Animal fights**
- 130.11 Unauthorized use of police whistles and fire signals**
- 130.12 Disturbing schools**
- 130.13 Soliciting alms**
- 130.14 Expectorating**

- 130.99 Penalty**

§130.01 DISORDERLY CONDUCT.

No person shall be engaged in any disorderly conduct.

(’63 Code, Ch. H, §1) Penalty, see §130.99

§130.02 DISTURBING THE PEACE.

(A) No person shall shout or scream in a loud and boisterous manner so as to disturb the peace.

('63 Code, Ch. H, §5)

(B) It shall be unlawful for any person in any public place, street, or highway, or any vehicular area open to the public or any parking area open to the public or any pedestrian area open to the public to be disruptive by producing or emitting or causing to be emitted, loud noises or amplified speech, music or other sounds that would interfere with the reasonable and peaceful use of any properties located within 500 feet thereof.

(Ord. passed - -)

§130.03 SHOOTING PROJECTILES; SHOOTING FIREARMS FOR AMUSEMENT.

(A) No person shall shoot or project any stone, rock, shot or other hard substance by means of a sling shot, bean shooter, shot shooter, air rifles, pop gun, bow or other similar contrivance.

('63 Code, Ch. H, §11) Penalty, see §130.99

§130.04 INJURING, DEFACING OR INTERFERING WITH PROPERTY.

(A) No person shall willfully or negligently injure, deface, draw, paint, carve or mutilate in any way whatsoever any sign, post, lamp post, pole, wire, apparatus, building, residence, walls or fences.

('63 Code, Ch. H, §18)

(B) No person shall willfully or negligently injure or interfere with any valve, valve box, meter box, storm or sanitary sewer manhole cover, storm sewer catch basin cover, fire hydrant, police or fire alarm box, traffic signal or any other property used in the town's water, sewer, police or fire alarm system.

('63 Code, Ch. H, §19) Penalty, see §130.99

Statutory reference:

Disorderly conduct in and injuries to public buildings and facilities, see N.C.N.C.G.S. §14-132

§130.05 FALSE FIRE ALARM.

(A) No person shall give a false alarm of fire.

('63 Code, Ch. H, §19)

(B) No person shall give or cause to be given any false alarm of fire by means of the fire alarm system or otherwise.

('63 Code, Ch. I, Art. I, §16) Penalty, see §130.99

§130.06 CONSUMPTION OF ALCOHOL IN PUBLIC.

No person shall consume or serve malt beverages or unfortified wine, as defined by N.C.G.S. §18B-101, in the public streets, boulevards, alleys, parks, sidewalks, or public buildings within the town.

('63 Code, Ch. H, §23) (Ord. passed 10-11-76) Penalty, see §130.99

§130.07 LOITERING FOR THE PURPOSE OF ENGAGING IN DRUG-RELATED ACTIVITY.

(A) For the purposes of this section, *PUBLIC PLACE* means any street, sidewalk, bridge, alley or alleyway, plaza, park, driveway, parking lot or transportation facility, or the doorways and entranceways to any building which fronts on any of those places, or a motor vehicle in or on any of those places, or any property owned by the city.

(B) It shall be unlawful for a person to remain or wander about in a public place under circumstances manifesting the purpose to engage in a violation of the North Carolina Controlled Substances Act, N.C.G.S. §§90-86 through 90-113.8. Such circumstances are:

- (1) Repeatedly beckoning to, stopping, or attempting to stop passers-by, or repeatedly attempting to engage passers-by in conversation; or
- (2) Repeatedly stopping or attempting to stop motor vehicles; or
- (3) Repeatedly interfering with the free passage of other persons; or
- (4) Such person behaving in such a manner as to raise a reasonable suspicion that he or she is about to engage in an unlawful drug-related activity; or
- (5) Such person repeatedly passing to or receiving from passersby, whether on foot or in a vehicle, money or objects; or

- (6) Such person taking flight upon the approach or appearance of a police officer; or
- (7) Such person being at a location frequented by persons who use, possess, or sell drugs.

(Ord. passed 7-8-96) Penalty, see §130.99

§130.08 LOITERING.

(A) Definitions.

Loiter means to assemble, congregate, stand around, collect, gather, loaf, lounge, sleep or remain, or to park or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this section.

Place open to the public means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business open to the public, private parking lot or private institution including places of worship, schools and cemeteries and any private property which adjoins any of the above described areas and which the public has ready access. It also includes the doorways and entrances to any building which fronts any of the above places, the lobby, halls, corridors and areas open to the public of any store, office, apartment building or other business, any common area of any apartment complex or public housing property and any other property which is open to the public, whether publicly or privately owned and is not owned or under the domain of the person charged with a violation of this section. It also includes any motor vehicle in or on the above described areas.

Public place means any public street, road, highway, alley or ally way, sidewalk, crosswalk, bridge, plaza, driveway, parking lot or transportation facility or other public way or any public place of amusement, park, playground, public buildings or grounds adjacent thereto, church buildings or grounds, school building or grounds, public parking lots, any vacant lot within the town or other publicly owned or leased property.

(B) Prohibited conduct.

It shall be unlawful for any person to loiter at, on or in a public place or place open to the public for approximately twenty-five minutes in such a manner as to:

- (1) Obstruct, interfere, impede or hinder the free passage of pedestrians or vehicular traffic; or
- (2) Interfere with, obstruct, annoy, harass or threaten or do physical harm to another person or person lawfully on the street, sidewalk, park or other public place; or

(3) To remain idle in essentially one location without being able to establish having a legitimate business or purpose in so remaining idle or who by his conduct has exhibited the absence of a lawful purpose in doing so on any premise that is clearly marked with a NO LOITERING sign; or

(4) Loiter, without lawful excuse, on the grounds of any church or schoolhouse or upon the streets or sidewalks within 100 feet of such church or schoolhouse grounds.

(C) No arrest shall be made for a violation of the above subsection (B) unless the arresting officer first affords the person an opportunity to explain his or her conduct; and no one shall be convicted of violating subsection (B) if it appears at trial that the explanation given was true and disclosed an intent to exercise a right granted to them under the Constitution of the United States or North Carolina.

(D) The violation of any provisions of this section shall be a misdemeanor as provided by North Carolina General Statutes 14-4. Penalty, see §130.99

(Revised Ord. passed 10-13-2014)

§130.09 PLAYING IN STREETS.

No person shall play baseball, town ball, football or other games of similar nature on any public street.

(’63 Code, Ch. H, §13) Penalty, see §130.99

§130.10 ANIMAL FIGHTS.

No person shall incite or cause any dogs or other animals or any chicken to fight.

(’63 Code, Ch. H, §14) Penalty, see §130.99

§130.11 UNAUTHORIZED USE OF POLICE WHISTLES AND FIRE SIGNALS.

No person without special authority from the Police Department or Fire Department, shall carry or use any whistle, bell, horn or siren similar in appearance or sound to the whistles, horns or sirens used by the Police Department or Fire Department.

(’63 Code, Ch. H, §15) Penalty, see §130.99

§130.12 DISTURBING SCHOOLS.

No person shall engage by conversation, sign or otherwise, the attention of any pupil to the disturbance of the discipline of any school.

('63 Code, Ch. H, §22) Penalty, see §130.99

§130.13 SOLICITING ALMS.

No person shall sell or offer for sale any pencils, shoestrings, chewing gum or similar objects in or on the streets or other public places as an indirect method of soliciting alms, nor shall any person offer a cup or other receptacle for the deposit of money or take up any collection in connection with the playing of any musical instrument in or on the streets or other public places without having a permit therefor issued by the Clerk.

('63 Code, Ch. H, §9) Penalty, see §130.99

§130.14 EXPECTORATING.

No person shall expectorate in or upon any building or premises except in receptacles provided for that purpose.

('63 Code, Ch. H, §21) Penalty, see §130.99

§130.99 PENALTY.

Any person, firm, or corporation violating any of the provisions of any section of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall, upon conviction, be guilty of a Class 3 misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions of this chapter are violated shall constitute a separate offense.

(N.C.G.S. §14-4(a)) ('63 Code, Ch. V, §1)

TITLE XV: LAND USAGE

SECTION

- 150. BUILDING CODE**
- 151. ZONING CODE
APPENDIX: OFFICIAL ZONING MAP**
- 152. FLOOD DAMAGE PREVENTION**
- 153. HISTORIC DISTRICT**
- 154. C1 DISTRICT SAFETY AND APPEARANCE**
- 155. VACANT COMMERCIAL PROPERTY REGISTRATION**
- 158. WATER SUPPLY CROSS CONNECTION CONTROL**

CHAPTER 150: BUILDING CODE

Section

150.01 Building code ordinance adopted by reference

150.02 Enforcement of building code by County Building Inspector

§150.01 BUILDING CODE ORDINANCE ADOPTED BY REFERENCE

The Warren County Building Code Ordinance, as amended, is hereby adopted by reference and incorporated herein as fully as if set out at length in this code of ordinances.

(Res. Passed 3-13-95)

§150.02 ENFORCEMENT OF BUILDING CODE BY COUNTY BUILDING INSPECTOR

It shall be the duty of the County Building Inspector to enforce the requirements of the building code.

CHAPTER 151: ZONING CODE

Section

General Provisions

- 151.01** **Statutory authority**
- 151.02** **Title**
- 151.03** **Purpose**
- 151.04** **Jurisdiction**
- 151.05** **Definitions**
- 151.06** **Minimum requirements**
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-
- 151.99 Penalty

Appendix: Official Zoning Map

General Provisions

§151.01 STATUTORY AUTHORITY.

In pursuance of the authority granted by the N.C.G.S. Ch. 160A, Art. 19, Part 3, this chapter is ordained by the Town Board or Commissioners.

(Ord. passed 12-16-85)

§151.02 TITLE.

This chapter shall be known and may be cited as the Town Zoning Ordinance and may be referred to as the Zoning Code.

(Ord. passed 12-16-85)

§151.03 PURPOSE.

(A) For the purpose of promoting health, safety, morals, and general welfare, this chapter is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes.

(B) The zoning regulations in this code are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

(Ord. passed 12-16-85)

§151.04 JURISDICTION.

The area to which this chapter applies is shown on the official zoning map. The regulations presented in this chapter shall apply to all property within the corporate limits of the town, and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one mile in all directions, as established by an ordinance with N.C.G.S. §160A-360, which are on file in the Office of the County Register of Deeds.

(Ord. passed 12-16-85)

§151.05 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning. Words used in the present tense include the future

tense. Words used in the singular number include to plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.

ABUTTING. The property directly touches another piece of property.

ACCESSORY BUILDING, STRUCTURE, OR USE. A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

BED AND BREAKFAST. The use of a private dwelling unit to offer “bed and breakfast” accommodations to eight or fewer persons per night for a period of less than seven consecutive calendar days. See N.C.G.S. § 130A-247

BOARD OF ADJUSTMENT. The Board of Adjustment of the Town of Warrenton, North Carolina, established by this chapter.

BOARDING HOUSE. A structure which contains individual rooms which are rented to the general public for periods in excess of 30 days. The property owner or property agent must reside on the same premises. No meals may be prepared and served to said occupants by the property owner or property agent.

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals or chattels.

BUILDING, HEIGHT OF. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

CONDOMINIUM. A project meeting the requirements of the N.C.G.S. Ch. 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

DWELLING, MULTI-FAMILY. A building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding mobile homes and townhouses.

DWELLING, SINGLE-FAMILY. A building arranged to be occupied by one family, the building having only one dwelling unit, but excluding mobile homes and townhouses.

DWELLING, TWO-FAMILY. A building arranged to be occupied by two families, the building having two dwelling units, but excluding mobile homes and townhouses.

DWELLING UNIT. A building or portion thereof designed, arranged, and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

FAMILY. One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

FAMILY CARE HOME. A facility as defined in N.C.G.S. §168-21.

FLOOR AREA, GROSS. The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses, and excluding off-street parking and loading areas.

HOME OCCUPATION. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. **HOME OCCUPATION** shall not be deemed to include a tourist home.

JUNK YARD. Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap, metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

KENNEL. An establishment for the keeping or breeding of dogs for profit.

LOT. A single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when served from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet the dimensional requirements of this chapter. **LOT** includes **PLOT**, **PARCEL**, and **TRACT**.

LOT, CORNER. A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT COVERAGE, MAXIMUM IN PERCENT. The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

LOT OF RECORD. A lot which is part of a subdivision recorded with the Office of the Register of Deeds of Warren County or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect at the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29, at the place where the access strip joins the main portion of the lot) shall not be less than 80% of the required lot width, except in the case of the turning circle of cul-de-sacs where the 80% requirement shall not apply.

MAP, ZONING MAP OR WARRENTON ZONING MAP. The Official Zoning Map of Warrenton, North Carolina.

MOBILE HOME. Any vehicle or structure which is or was originally constructed, designed to be transported by motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any additions, attachments, annexes, foundations and appurtenances thereto. This does not include modular homes which meet conventional home construction standards and are transported on a flatbed truck, nor does it include travel trailers and campers.

MOBILE HOME PARK. A lot or part thereof, of any parcel of land of at least five acres which is used or offered as a location for mobile homes used for residential purposes.

NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA. Land area with streets, right-of-ways, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

PERSON. Includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

PLANNED UNIT DEVELOPMENT. Defined in §151.113(C).

PLANNING BOARD. The Planning Board of the Town of Warrenton, North Carolina.

PRINCIPAL BUILDING USE, OR STRUCTURE. The main use of a lot or the building or structure in or on which the main use of the lot takes place.

RESTAURANT. An establishment whose primary purpose is serving meals to patrons.

RESTAURANT, DRIVE-IN OR TAKE-OUT. Any restaurant which makes provision for curbside service, outdoor service, or a drive-in window, or any restaurant more than 10% of whose average daily customers take their food or beverages out of the restaurant.

RESTAURANT, INDOOR. Any restaurant except a drive-in or take-out restaurant.

RIGHT-OF-WAY, STREET. A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

ROOF LINE. The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

SHALL. It is always mandatory and not merely directory.

SHOPPING CENTER. Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

SHORT TERM RESIDENTIAL RENTAL. The rental of a single bedroom in a private, resident-occupied dwelling or guest house on the same property, where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building. The owner may rent no more than two bedrooms. The duration of said lodging shall be less than 30 days at a time.

SIGN. Any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes, or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

- (1) **GROUND SIGN.** A sign erected on a freestanding frame, mast, and/or pole and not attached to any building, fence, or wall.
- (2) **IDENTIFICATION SIGN.** A sign which contains any or all of the following: the name of the occupants, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number, when located on the site of the establishment.
- (3) **ON-SITE ADVERTISING SIGN.** A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

- (4) **OFF-SITE ADVERTISING SIGN.** A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located.
- (5) **PROJECTING SIGN.** A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.
- (6) **ROOF SIGN.** A sign attached to and extending upward from a roof of a structure.
- (7) **WALL SIGN.** A sign which is attached flat to the wall or façade of a building, or to a fence or wall.

SIGN, AREA. The area of the smallest regular polygon composed of eight lines or less, circle, half-circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letter, or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

SIGN HEIGHT. The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, and swimming pools. STRUCTURE includes BUILDING.

TOWN BOARD, GOVERNING BODY, AND WARRENTON BOARD OF COMMISSIONERS. The Board of Commissioners of the Town of Warrenton, North Carolina.

TOWNHOUSE. A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

USED. As applied to any land or building, **USED** shall be construed to include the words **INTENDED, ARRANGED, OR DESIGNED TO BE USED.**

VARIANCE. A relaxation of the terms of this chapter under the specific conditions set forth in §151.110(D)(2).

YARD. An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this chapter.

YARD, FRONT. A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29 shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by the chapter to be placed in a front yard. Front and rear yard lines shall be parallel.

YARD, REAR. A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

YARD, SIDE. A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

ZONING ADMINISTRATOR. The official charged with the enforcement of the chapter.

(Ord. passed 12-16-85)

§151.06 MINIMUM REQUIREMENTS.

In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of unlawfully adopted rules, regulations, ordinances, deed restrictions, or covenants are at variance with the requirements of this chapter, the most restrictive, or that imposing the highest standards, shall govern.

(Ord. passed 12-16-85)

§151.07 SEVERABILITY.

This chapter and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a zoning permit, special use permit, conditional use permit, variance, certificate of zoning compliance, certificate of occupancy, or site plan approval, it shall be conclusively

presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirements of some provisions hereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was unlawful.

(Ord. passed 12-16-85)

§151.08 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances of the town which are in conflict or inconsistent with this chapter are repealed and superseded to the extent necessary to give this chapter full force and effect.

(Ord. passed 12-16-85)

§151.09 STATUTE OF LIMITATIONS.

In accordance with N.C.G.S. §160A-364.1, a cause of action as to the validity of this chapter, or amendment thereto, shall accrue upon the adoption of this chapter or amendment thereto, and shall be brought within two months as provided in N.C.G.S. §1-54.1.

(N.C.G.S. §160A-364.1) (Ord. passed 12-16-85)

General Regulations

§151.020 APPLICATIONS OF REGULATIONS.

The regulations set forth in this chapter shall affect all land, every structure, and every use of land and/or structure and shall apply as follows:

(A) No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this chapter for the district in which it is located;

(B) No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this chapter for the district in which it is located;

(C) No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the purchase of condemnation of narrow strips of land for public utilities or street right-of-way purposes;

(D) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another structure or use;

(E) In any district, no more than one principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this chapter.

(Ord. passed 12-16-85)

§151.021 INTERPRETATION OF REGULATIONS.

The regulations in this chapter shall be enforced and interpreted according to the following rules:

(A) Uses not designated in the district regulations as permitted, conditional, or special uses shall be prohibited. Conditional and special uses are permitted according to the additional regulations imposed. These conditional and special uses can be approved only by the Board of Adjustment or Board of Commissioners as specified in this chapter. Additional uses may be added to the chapter by amendment;

(B) Regulations set forth by this chapter shall be minimum regulations. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern;

(C) Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this chapter, nothing herein contained shall be construed to render such covenants inoperative.

(Ord. passed 12-16-85)

§151.022 EXCEPTIONS AND MODIFICATIONS.

(A) The minimum front yard requirements of this chapter for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within 100 feet on each side, whichever is greater.

(B) In any residential district for corner lots, the side yard requirements along the side street shall be increased by ten feet.

(C) The Board of Adjustment shall review, as a conditional use, structures such as church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures, which exceed the height limitations of this chapter.

(D) Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but may not be closer than ten feet to any lot line.

(E) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three feet and may not be closer than ten feet to any lot line.

(F) The requirements of this chapter do not apply to roads, water, sewer, gas electric, telephone, and similar utility lines except as specifically mentioned in this chapter.

(G) Lot width on lots which front on the turn-around circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two sides, the side lot lines to be used are the two which connect with the front lot line.

(Ord. passed 12-16-85)

§151.023 VISIBILITY AT INTERSECTIONS.

On a corner lot, nothing shall be left erected, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.

(Ord. passed 12-16-85)

§151.024 REGULATIONS CONCERNING HOME OCCUPATIONS.

Home occupations are permitted in all districts only as an incidental use and shall comply with the following regulations:

(A) No person other than a resident of the dwelling shall be engaged in such occupation.

(B) No more than three customers, clients, or patrons shall come to the dwelling at any one time nor more than ten in any one day.

(C) No more than two vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an auto mobile, shall be in an enclosed building as described in §151.24(D) below, or shall be a conditional use subject to approval by the Board of Adjustment.

(D) No more than 25% of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one accessory building not exceeding 1,000 square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this chapter must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a conditional use permit.

(E) Notwithstanding the provisions of §151.024(D), a home greenhouse shall be permitted provided that such greenhouse meets the requirements of §151.025 and that any sales in connection with such greenhouse meet the requirements of this section.

(F) No outdoor sales or storage shall be permitted in connection with the home occupation.

(G) The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.

(H) The use shall not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

(I) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

(J) There shall be no more than two deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of 7:00 a.m. and 9:00 p.m.

(K) No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before 7:00 a.m. or after 9:00 p.m.

(L) The following are strictly prohibited as home occupation: car washes, commercial automotive repair garages, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing

material of a pornographic nature, movie theaters, animal hospitals and kennels, bottled gas sales.

(M) Any home occupation not complying with these regulations shall be a special use.

(Ord. passed 12-16-85)

§151.025 ACCESSORY USES.

Accessory uses are permitted in any zoning district in accordance with the following regulations:

(A) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure;

(B) Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations in §151.024 or for multi-family dwellings, as allowed by the Board of Adjustment in accordance with the provisions of §151.113;

(C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses;

(D) No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the principal building in height;

(E) An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this chapter and must meet all yard requirements applied to the principal building;

(F) No detached accessory building shall be located closer than ten feet to any other building or mobile home;

(G) No accessory building or recreational structure or use may extend in front of the rear line of a single or two-family dwelling or mobile home.

(H) No accessory building or recreational structure or use may extend within three feet of a lot line, nor within 20 feet of a street right of way lane;

(I) Recreational uses and buildings accessory to apartment complexes shall be in accordance with §151.113;

(J) Fences and walls are permitted as accessory uses provided that they comply with the following:

- (1) No fence more than four feet in height, nor retaining wall more than five feet in height which is more than 75% solid may be placed in any front yard, including along the side lot line to the front of any principal building, unless approved by the Board of Commissioners, as a buffer in accordance with §151.026(F);
- (2) Rear and side fences greater than seven feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this chapter;
- (3) Fences may not exceed seven feet in height, except in commercial and industrial districts where such fences may be no more than ten feet in height;
- (4) Fences need not comply with the set back requirements of this chapter;
- (5) No fence or wall shall impede vision as regulated in §151.023;

(Ord. Amended 10-14-2014)

§151.026 BUFFER STRIPS.

Whenever a buffer strip is required by this chapter, such strip shall meet the specifications of this section, unless different specifications are given in the section where the buffer strip is required.

(A) A buffer strip shall consist of a planted strip which shall be a minimum of 16 feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps. The 16 feet required for the buffer strip shall be in addition to all normal yard requirements of this chapter.

(B) Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this chapter: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned R-20, R-12, and R-8.

(C) All buffer strips shall become part of the lot on which they are located, or in the case of commonly-owned land, shall belong to the homeowners or property-owners association.

(D) The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lease

(E) If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip.

(F) Where, because of intense shade, or soil conditions, a planting screen cannot be expected to thrive, the Zoning Administrator may, in writing, allow substitution or a well-maintained wooden fence or masonry wall at least six feet in height.

(G) Where it is clear that a smaller buffer will protect neighboring property from harmful effects, the Board of Adjustment or Town Board of Commissioners, for special uses, may reduce the buffer to eight feet and one row of trees.

(H) For special and conditional uses, the Board may require a maintenance bond for the buffers, as a condition of approval.

(Ord. passed 12-16-85)

§151.027 NONCONFORMING USES, STRUCTURES AND LOTS.

A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning code is called a nonconformity. Special provisions apply to nonconformities and these are listed in divisions (A) through (E) of this section. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in §§151.075 through 151.080 of this chapter.

(A) Existing substandard structures.

- (1) The conforming use of a structure as explained in §151.027(D), existing at the time of the adoption of this chapter, may be continued although the structure’s size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this chapter. Such structures are called substandard structures.
- (2) Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access, and all other applicable requirements of this section for the district in which such a structure is located.
- (3) Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access, and all other applicable provisions of this chapter for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

- (4) A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

(B) *Existing nonconforming uses.* The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this chapter may be continued except that:

- (1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming;
- (2) Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located;
- (3) If such nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than 75% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter;
- (4) If such nonconforming use is discontinued or terminated for a period of more than 365 days, any future use of the structure, land, or water supply shall comply with the provisions of this chapter;
- (5) In addition, lots used for outdoor storage, salvage yards, used and abandoned vehicle storage, repair and sales lots, auto wrecking yards and junk yards, where the only buildings on the lot are incidental and accessory in the open use of the lot and where such use was established legally but is not permitted to be established as permitted, special, or conditional use, hereafter in the district in which it is located shall be terminated and all sorted material and other inventory removed from the site by the owners or occupants by December 31, 1998. The Zoning Administration shall, within 90 days of the effective date of this chapter, send notice of this requirement to the owner or occupants by first class mail;
- (6) A nonconforming use may not be moved off the lot or lots on which is it located unless when relocated it complies with the regulations for the district in which it is relocated;
- (7) The Board of Adjustment may permit as a conditional use a change in nonconforming use provided that the requirements of divisions (B)(1) through (B)(6) above of this section are met and the Board of Adjustment may require

appropriate conditions and safeguards in accordance with the provisions of this chapter;

- (8) Once a nonconforming use has been changed or altered so as to comply with the provisions of this chapter, it shall not revert back to a nonconforming use. Once the Board of Adjustments has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

(C) Existing vacant substandard lots.

- (1) Where the owner of a lot at the time of adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of this chapter, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter, and further provided that the County Health Department approves the reduction in on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than 20% below the minimum specified in this ordinance or other requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions if the county health department submits a letter of approval if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family residences are permitted, the Board of Adjustments may issue a variance to allow some reasonable use.
- (2) If two or more adjoining and vacant lots are in one ownership when this chapter is adopted, or at any time after the adoption of this chapter, and such lots individually do not meet the minimum dimensional requirements of this chapter for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of §151.027©(1) do not apply.

(D) Conforming uses and structures.

- (1) Any use or structure existing prior to the effective date of this chapter which conforms to the regulations of this chapter for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in

which it is located, may be continued, provided any changes shall comply with the provisions of this chapter.

- (2) Any structure or use existing prior to the effective date of this chapter which would be permitted by this chapter as a special or conditional use in the district in which it is located, may be continued as if a special or conditional use permit had been applied for and issued, provided that any changes shall comply with the provisions of this chapter.

(E) *Effect of amendments.* If subsequent amendments to this chapter or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

(Ord. passed 12-16-85)

§151.028 COMPLEXES.

Office centers, institutional and industrial, and similar complexes may have more than one principal building on a single lot provided that the following requirements are met:

(A) Uses in complexes shall be limited to those permitted within the zoning district in which the project is located;

(B) The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located;

(C) The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or 50 feet, whichever is greater;

(D) The building heights shall not exceed the height limits permitted in the district in which the project is located;

(E) The buildings shall be located so as to provide access for emergency vehicles.

(Ord. passed 12-16-85)

§151.029 REQUIREMENTS FOR STREET ABUTMENT.

No principal building, structure, or use may be erected or established on any lot which does not abut at least 20 feet on one of the following:

(A) A public street dedicated to and maintained by the town or the North Carolina Department of Transportation;

(B) A street constructed to the standards of the town or the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

(Ord. passed 12-16-85)

§151.030 STORAGE OF JUNK ON VACANT LOTS.

Vacant lots shall not be used for the storage of used or abandoned vehicles or other outdoor storage unless specifically permitted in §151.045.

(Ord. passed 12-16-85)

§151.031 STREAM BUFFER AREAS REQUIRED.

(A) A minimum of fifty (50) foot vegetative buffer for development activities shall be required along all perennial waters indicated on the most recent versions of U.S.N.C.G.S. 1:24,000 (7.4 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambanks or shoreline stabilization is permitted. The buffer is an area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer shall be measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers. Within the 50' riparian area, the first 30' is to remain undisturbed, whereas the outer 20' must be vegetated only. Accessory structures shall not be allowed in the riparian buffer area.

(B) No new development shall be allowed in the buffer except for water dependent structures. Other structures such as flagpoles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossing and green ways where no practical alternative exists which shall be permitted. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

(C) Best Management Practices are structural or nonstructural management-based practices used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. A water dependent structure is any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose,

such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

(D) Development, for the purposed of the section, is and land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

(Ord. passed 9-19-99)

District Regulations

§151.040 OFFICIAL ZONING MAP.

(A) The boundaries of the districts are hereby established as shown upon the map accompanying this chapter and made a part hereof, entitled “Official Zoning Map, Town of Warrenton, North Carolina”. The zoning map and all the notations, references, and all amendments thereto, and other information shown thereon is hereby made a part of this chapter and the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the Office of the Zoning Administrator and is available for inspection by the public.

(B) In the creation, by this chapter, of the respective districts, the Board of Commissioners has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town and its extraterritorial area.

(Ord. passed 12-18-65)

§151.041 UNCERTAINTY AS TO BOUNDARIES.

(A) The boundaries of such districts as are shown upon the map adopted by this chapter are hereby adopted and the provisions of this chapter governing the use of land and buildings, the height of buildings, the sizes of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon said map.

(B) If uncertainty exists as to the boundaries of the use districts shown on the official zoning map which is not resolved by the ordinance establishing and amending such boundaries, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries;
- (4) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main tracks or tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following such centerlines;
- (6) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline;
- (7) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- (8) Boundaries indicated as parallel to or extensions of natural or man-made features indicated in divisions (B)(1) above of this sections shall be so construed;
- (9) Distances not specifically indicated shall be determined by the scale of the official zoning map.

(C) Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in §§151.109 and 151.110 of this chapter.

(Ord. passed 12-16-85)

§151.042 AMENDMENTS TO ZONING MAP.

Amendments to the official zoning map shall be adopted by ordinance as provided in §151.114. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered, the official zoning map to indicate the amendment. The Town Clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment, as well as the book and page of record of the ordinance amending the map.

(Ord. passed 12-16-85)

§151.043 TRUE COPY TO BE MAINTAINED; REPLACEMENT AND PRESERVATION.

(A) *True copy to be maintained.* The Chairman of the Planning Board shall also maintain a true copy of the official zoning map which shall include thereon all matters shown on the official zoning map. The true copy shall have no legal affect as provided in §151.043(B).

(B) *Replacement and preservation of official zoning map and true copy thereof.*

- (1) If the official zoning map is damaged, lost, or destroyed in whole or in part, the governing body may by resolution adopt the true copy in whole or in part as the official zoning map, and the Zoning Administrator and Town Clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the governing body may by resolution adopt a new official zoning map of the prior map becomes difficult to interpret due to the number of amendments or other matters shown thereon, or if the governing body desires to replace the map for other reasons, provided that the new map is an exact copy of the prior map.
- (2) The Zoning Administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof together with all available records pertaining to their adoption, amendment, or repeal.

(Ord. passed 12-16-85)

§151.044 ESTABLISHMENT AND PURPOSES OF DISTRICTS.

For the purpose of this chapter, the zoning jurisdiction of the town is hereby divided into the following districts:

(A) R-20 – Residential Agricultural District. The purpose of this district is to provide areas for a compatible mixture of residential development and agriculture in areas outside the corporate limits of the town;

(B) R-12 – Residential Single-Family District. The purpose of this district is to provide for existing residential single-family homes and the establishment of new single family homes;

(C) R-8 – Single- and Multi-Family Residential District. The purpose of this district is to provide for a compatible mixture of single-family dwellings, and multi-family buildings and complexes and mobile homes;

(D) O&I – Office and Institutional District. The purpose of this district is to provide areas for office and institutional use, and to establish a buffer between residential areas and commercial and industrial areas;

(E) C-1 – Downtown Business District. The purpose of this district is to provide areas for those retail trade and service purposes which are properly located in a downtown area;

(F) C-2 – Highway Business District. The purpose of this district is to provide areas for commercial and service uses which require larger sites than are available in the downtown areas, or which serve the needs of the traveling public;

(G) I – Industrial District. The purpose of this district is to provide locations for manufacturing, wholesaling, and warehousing, uses which can be conducted without producing harmful effects on the citizens of the area.

(Ord. passed 12-16-85)

§151.045 REGULATIONS FOR RESIDENTIAL, AGRICULTURAL, RESIDENTIAL-SUBDIVISION, SINGLE- AND MULTI-FAMILY RESIDENTIAL DISTRICTS.

(A) Uses allowed in the districts named in this chapter shall be in accordance with the following table in which “X” signifies that the use is permitted as of right, “C” indicates that the use is a conditional use which requires approval of the Board of Adjustment, “S” indicates that the use is a special use which requires the approval of the Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district.

<i>Residential Districts</i>	<i>Districts</i>		
<i>Use</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwellings on individual lots	<i>X</i>	<i>X</i>	<i>X</i>
Two-family dwellings	<i>X</i>	<i>X</i>	<i>X</i>
Three or four-family dwellings in one building	<i>S</i>		<i>X</i>
Multi-family dwellings and complexes	<i>S</i>		<i>S</i>
Townhouses in one building	<i>S</i>		<i>S</i>
Mobile homes on individual lots	<i>C</i>		<i>X</i>

<i>Residential Districts</i>	<i>Districts</i>		
<i>Use</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Mobile home parks	<i>S</i>		
Day nurseries	<i>X</i>	<i>X</i>	<i>X</i>
Kindergartens	<i>X</i>	<i>X</i>	<i>X</i>
Public educational institutions and private schools having a curriculum the same as ordinarily given in public schools	<i>X</i>	<i>X</i>	<i>X</i>
Public buildings; uses and utilities	<i>S</i>	<i>S</i>	<i>S</i>
Solar collection installations or “solar farms”	<i>S</i>	<i>S</i>	<i>S</i>
Hospitals, clinics, except animal hospitals, nursing homes, rest homes	<i>X</i>	<i>C</i>	<i>X</i>
Family care homes as defined in N.C.G.S. §168-21 for handicapped persons as defined in N.C.G.S. §168, Article 3 provided that no such home may be located within a one-half mile radius of an existing family care home	<i>X</i>	<i>X</i>	<i>X</i>
Any agricultural or horticultural use except commercial nurseries, commercial chicken house, yard or hatchery, dairy, livestock pen or yard, horse or mule stable, pigpen or hogpen, or any other use of land for keeping and raising animals or fowls for commercial purposes. Non-commercial buildings or structures used for the keeping of livestock, fowls, or other non-commercial use permitted shall be located in the rear yard and shall not be located closer than 50 feet from any property line	<i>X</i>		
Churches, temples, synagogues	<i>X</i>	<i>X</i>	<i>X</i>
Libraries	<i>X</i>	<i>X</i>	<i>X</i>
Museums	<i>X</i>	<i>X</i>	<i>X</i>
Cemeteries	<i>X</i>	<i>X</i>	<i>X</i>
Radio and TV stations and transmission towers	<i>C</i>		
Parks	<i>X</i>	<i>X</i>	<i>X</i>

<i>Residential Districts</i>	<i>Districts</i>		
<i>Use</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Golf courses, excluding carpet or miniature	X		
Playgrounds	X	X	X
Community centers	X	C	C
Private clubs	C	C	C
Fraternal organizations not open to the public	C	C	C
Farming, including sale of product on property where produced	X		
Commercial plant nurseries and greenhouses	X		
Riding stables	X		
Planned unit development	S	S	S
Temporary uses such as circuses, carnivals, fairs	S	S	S
Other temporary uses	S	S	S
Motels, hotels, and restaurants	X		
Funeral homes		X	
Bed and Breakfasts. A Special Use Permit for Bed and Breakfast will include the authority to serve meals, other than breakfast, to registered guests and for catering of private functions such as business meetings and receptions. This use would exclude a restaurant open to the public or the erection of an exterior sign identifying the establishment as a restaurant.	S	S	S
Short Term Rental	S	S	S

(Ord. passed 12-16-85, Amended 3-3-2008, Amended 4-10-2017)

(B) Minimum dimensional requirements shall be:

<i>Minimum lot area in square feet</i> ^{1,2}	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwelling	20,000	12,000	8,000
Mobile homes on individual lots	20,000		8,000
Two-family dwelling or two townhouse units	20,000	12,000	12,000
Multi-family dwelling	20,000 for first three units plus 5,000 for each additional unit		20,000 for first three units plus 5,000 for each additional unit
Other proposed building or use	20,000	20,000	15,000
<i>Minimum required yard in feet</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwelling	100	100	80
Two-family dwelling	100	100	100
Multi-family dwelling	100	100	100
Townhouse	100	100	100
Other principal building or use	100	100	100
Minimum lot depth in feet	150	120	100
<i>Minimum required yard in feet</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Front	30	30	30
Side (each side)	10	10	10
Corner lot	20	15	15
Rear	25	25	25

Maximum height in feet	35	35	35
Maximum lot coverage in percent	40	40	40
¹ Where there is no public water and/or sewer, lots must meet requirements of the County Health Department as well as the requirements of this chapter. ² Stream buffers are required in accordance with §151.031 of this chapter.			

(Ord. passed 12-16-85; Am. Ord. passed, 9-13-99; Am. Ord. passed 11-8-99)

§151.046 REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) *Table of permitted uses.* Uses allowed in the districts named in this section shall be in accordance with the following table in which “X” signifies that the use is permitted as of right, “C” indicates that the use is a conditional use which requires approval of the Board of Adjustment, “S” indicates that the use is a special use which requires approval of the Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district.

TABLE OF PERMITTED USES				
Commercial and Industrial Districts				
Use	Districts			
	C-1	C-2	O&I	I
Any retail or wholesale business or service establishment, or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located and does not involve bulk storage of volatile materials or other fire hazards, except commercial amusements	X	X		
Offices – business, professional, and public	X	X	X	
Financial institutions	X	X	X	
Assembly halls	X	X	X	
Restaurants	X	X		X
Shopping centers	X	X		

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Hotels and motels	X	X		
Automobile service stations	X	X		
Car washes		X		
Amusement parks		S		
Commercial amusement buildings	S	S		
Family care homes (see residential districts)			X	
<i>Commercial and Industrial Districts</i>	<i>Districts</i>			
<i>Use</i>	<i>C-1</i>	<i>C-2</i>	<i>O&I</i>	<i>I</i>
Churches		X	X	
Schools			X	
Retirement homes	X		X	
Funeral homes	X	X	X	
Single family dwellings in one building	S	S		
Two, three, and four-family dwellings in one building	S	S	X	
Pool halls or billiard parlors		C		
Grocery and convenience stores	X	X		C
Junk yards or salvage operations				C
Multi-family dwellings and complexes			S	
Retail or wholesale businesses or service establishments, wholesaling and warehouse storage or public uses or utilities other than those specifically listed which have outdoor sales, service, or storage areas	C	X		
Retail or wholesale businesses or service establishments, wholesaling and warehouse storage or public uses or utilities other than those specifically listed which would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazards	C	C		

Any manufacturing, processing, or warehousing use or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, except acid manufacture, cement, lime, gypsum or plaster of paris manufacture, distillation of bones, explosives, manufacture or storage, fat rendering, fish and/or fertilizer plant, garbage, offal or dead animal reduction or dumping, gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery, or pulp manufacture				X
<i>Commercial and Industrial Districts</i>	<i>Districts</i>			
<i>Use</i>	<i>C-1</i>	<i>C-2</i>	<i>O&I</i>	<i>I</i>
Public buildings, uses and utilities			S	
Solar collection installations or “solar farms”	S	S	S	S
Cafeterias and snack bars for plant employees and offices of plants shall be considered an accessory use.				
No mobile home shall be used as an office in the C-2 Highway district.				
Bed and Breakfasts. A Special Use Permit issued for Bed and Breakfast will include the authority to serve meals, other than breakfast, to registered guests and for catering of private functions such as business meetings and receptions. This use would exclude a restaurant open to the public or the erection of an exterior sign identifying the establishment as a restaurant.	S	S	S	S

(B) *Dimensional requirements.*

DIMENSIONAL REQUIREMENTS				
	<i>C-1</i>	<i>C-2</i>	<i>O&I</i>	<i>I</i>
Minimum lot area in square feet	20,000 for site – more than one use can be grouped on a site or in a building			20,000
Minimum lot width in feet	100	100	100	100

Minimum lot depth in feet		150	150	150
*Minimum required yards in feet				
Front		30	30	50
Side		10	10	20
Rear		25	25	25
Maximum lot coverage in percent	40	40	40	40
Maximum permitted height in feet	50	50	50	50
¹ Stream buffers are required in accordance with §151.031 of this chapter.				

(Ord. passed 12-16-85; Am. Ord. passed 9-13-99; Am. Ord. passed 11-8-99; Am. Ord. passed 3-14-2011; Am. Ord. passed 9-8-2014)

§151.060 OFF-STREET PARKING REQUIREMENTS.

(A) There shall be provided at the time of the erection of any building or the establishment of any use or at the time any principal building or use is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor, storage, or sales area; or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space.

(B) The following regulations concerning required parking shall apply:

- (1) Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met. No certificate of occupancy shall be issued until the parking regulations are fully met;
- (2) The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays;

- (3) If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use;
- (4) Parking space sizes shall be governed by the following dimensions:

Parallel stall	20' x 9.0'
Angle stall	19' x 8.5'
90 degree stall	19' x 9.0'

- (5) Minimum aisle widths shall be:

<i>Aisle Width in Feet</i>		
<i>Parking Angle</i>	<i>One-Way Traffic</i>	<i>Two-Way Traffic</i>
0-15 degrees	12	24 (0 degrees only)
16-37 degrees	11	-
38-57 degrees	13	-
58-74 degrees	18	-
75-90 degrees	24	24

- (6) A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential and shall be at least 24 feet wide;
- (7) When off-street parking for more than 20 vehicles is provided, the following regulations shall apply in addition to all other regulations in this subchapter:
 - (a) All such parking lots shall be graded and surfaced with compacted gravel, blacktop, concrete, or other such surfacing material to ensure a dustless surface condition;
 - (b) Each parking stall shall be marked off and maintained so as to be distinguishable;
 - (c) Any lighting shall be so arranged as to direct the light and glare away from the streets and adjacent property;
 - (d) All such parking lots shall observe a minimum front yard of not less than five feet and a side yard on a corner lot of not less than five feet. Parking lots in

residential-agricultural and residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet. Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting or shall be improved otherwise in keeping with the character of adjacent property, and a buffer as defined in §151.026 is not required, natural planting, hedge, or a decorative fence to a height of at least six feet shall screen the residential property;

(e) The required yards shall be set off from parking areas by either continuous curb or one non-continuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five inches or more than two feet high;

(f) Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage;

(g) In the event any parking shall abuts upon a walkway, there shall be a space of three and one-half feet between the wheel bumper or curb and the edge of the walkway;

(h) On all corner lots, all vehicular openings shall be located at least 20 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line or 40 feet at the curb line. There shall be a minimum distance between driveways of 25 feet measured along the curb line unless such driveways are less than five feet apart;

(i) Sufficient area shall be provided within the property lines of a parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion;

(8) The following exceptions shall apply to the above regulations:

(a) The Zoning Administration may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the Zoning Administrator's decision to the Board of Adjustment under the normal procedure for an appeal;

(b) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification;

(c) In the central business district, the Zoning Administration may allow a new use to be established in an existing building even if all parking requirements of this section cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

(9) The minimum number of required off-street parking spaces shall be calculated as provided in §151.060(B)(10). In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, excepts for shopping centers which are expressly provided for;

(10)The following shall be the minimum number of off-street parking spaces which shall be provided:

<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
<i>Residential Uses</i>	
Dwellings, single and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Group housing, such as boarding houses, dormitories, and similar establishments	1.2 for each bedroom
Mobile homes on individual lots	2 per mobile home
Mobile home parks	2 spaces for each mobile home plus 1 visitor parking space for each 4 mobile homes
<i>Office and Institutional Uses</i>	

<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and art galleries	1 space for each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes, and similar institutions	4 times the maximum lawful number of occupants
Doctor or dentist Office	6 for each doctor or dentist plus 1 for each other employee
Other Offices	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks, and similar places	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats, or fraction thereof
<i>Schools and Colleges</i>	
Day nurseries, kindergartens, elementary, junior highs	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium parking off applicable
Senior highs and colleges, trade, vocational with dormitories	5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement if applicable
Colleges, trade, vocational without dormitories	10 feet for each 750 square feet of classroom floor area of fraction thereof, plus auditorium/gymnasium parking requirement if applicable
<i>Commercial Uses</i>	
Bowling alley	5 per lane

<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
Tent Campground	1 for each campsite plus office parking requirement
Recreational vehicle Campground	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including those accessory to multi-family dwelling or hotels)	4 per hole
Hotel or motel	1.2 for each guest room plus requirement for restaurant or other facilities if provided
Restaurant Drive-in or take-out	Minimum of 15 spaces, plus 1 additional for each 50 square feet of gross floor area or fraction thereof
Restaurant Other	1.2 for each 100 square feet of gross floor area or fraction thereof
Service stations-Fuel, Convenience	2 for each gas pump, plus 3 for each grease rack or similar facility
Shopping centers (<i>in lieu of individual store parking requirements</i>)	5.5 per 1000 square feet of gross leasable area or fraction thereof
Low generator retail and service establishments such as furniture, appliance, household, equipment, carpet and hardware stores, repair shops including shoe repair, contractors' showrooms, drapery, paint and wallpaper upholstery, interior decorator, motor vehicles sales, plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area

<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
All other commercial uses such as retail stores, outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores	1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area
<i>Industrial Uses</i>	
Industrial and research uses, warehousing, and very low customer volume wholesaling operations	1 for each employee on premises at any one time

(Ord. passed 12-16-85)

§151.061 OFF-STREET LOADING REQUIREMENTS.

(A) Loading space regulations. Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this section. Each loading space shall be no less than 15 feet in width, and 30 feet in depth. Each space shall also be no less than 15 feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least 24 feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pick-up during the hours when a retail trade, office, or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:

- (1) Retail business. One space for each 20,000 square feet of gross floor area or fraction thereof;
- (2) Wholesale trade and industry. One space for each 10,000 square feet of gross floor space or fraction thereof;
- (3) Office and institutional uses including hotels and motels. One space for each 50,000 square feet of gross area or fraction thereof;
- (4) Other miscellaneous loading space provision. As well as meeting the requirements of §151.061(A)(3), elementary, junior high, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

(B) Exceptions.

- (1) Peculiar characteristic of a business. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.
- (2) New uses established. In the central business district, the Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

(Ord. passed 12-16-85)

SIGNS

§151.075 COMPLIANCE WITH REGULATIONS REQUIRED.

No sign or sign structure may be erected, posted, hung, painted, rehung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this subchapter.

(Ord. passed 12-16-85)

§151.076 GENERAL SIGN REGULATIONS.

(A) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in §151.023.0

(B) No ground sign structure may be placed in the right-of-way.

(C) Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this section.

(D) Signs and sign structures shall meet all requirements of the State Building Code.

(E) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.

(F) Obsolete signs and their supporting structures shall be removed within 90 days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which to sign refers. This provision does not refer to billboards, until the commercial use off the billboard for rent has ceased. An extension of the 90 day time limit for removal may be granted by the Zoning Administrator for reasonable cause.

(G) Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.

(H) Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cause glare on traffic or adjoining premises.

(Ord. passed 12-16-85)

§151.077 PROHIBITED SIGNS.

The following types of signs are expressly prohibited:

(A) Signs with moving, revolving, or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles, shall be prohibited in all districts;

(B) Signs with lights or illumination which flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units;

(C) Signs which obstruct the view of or could be confused with any authorized traffic sign, signal, or device or make use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;

(D) Signs which openings required to be left uncovered or unobstructed by building codes, the housing code, or other laws relating to buildings.

(Ord. passed 12-16-85)

§151.078 OFF-SITE ADVERTISING SIGNS.

Off-site advertising signs (billboards) shall be permitted only as a special use in the industrial district. The conditions in §151.113 are not applicable to off-site advertising signs. A special use permit shall be granted provided the following conditions are met:

(A) The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway;

(B) The sign must be located within 660 feet of the edge of the right-of-way of such highway;

(C) The sign shall comply with all regulations of the State Department of Transportation and with the North Carolina General Statutes;

(D) No two structures shall be placed less than 500 feet apart. Distance shall be measured as specified in the North Carolina Administrative Code T19A:02E.0200;

(E) The sign will be compatible with the general neighborhood in which it is located and will not have a detrimental effect on adjoining properties.

(Ord. passed 12-16-85)

§151.079 NONCONFORMING SIGNS.

Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

(Ord. passed 12-16-85)

§151.080 PERMITTED SIGNS.

Signs shall be permitted in accordance with the table below.

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
Advertising, off-site (billboards)	See §151.078		Special use in I	See §151.078
Agricultural, advertising products produced on premises	32 sq. ft.	8 feet	Permitted use in R-20 and I	
Awning, silk-screened or sewn on front of awning	N/A	N/A	Permitted use in C-1, C-2, I & O&I	
Bulletin board, church or public	32 sq. ft.	8 feet	Permitted use in all districts	
Canopy signs (may also be placed on non-raising marquees)	4 sq. ft.		Permitted use in C-1, C-2, I & O&I	Identification only. 1 per establishment entranceway. Bottom of sign must be 7 feet above sidewalk level – more over public right-of-way if required by town regulations
Construction site placards	64 sq. ft.	12 feet	Permitted use in all districts	Must be removed when construction has been completed
:				

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
<i>Directional signs containing no advertising matter</i>				
Traffic, safety, utility warning, public			Permitted use in all districts	
Pedestrian, public			Permitted use in all districts	
Traffic and pedestrian, private			Permitted use in all districts	
No trespassing			Permitted use in all districts	
Off-site directional to churches, meeting halls, civic clubs	12 sq. ft.		Permitted use in all districts	
Temporary directional to garage sales and similar events in residential areas, excluding portable commercial signs	4 sq. ft.		Permitted use in all districts	
Entrance or monument-type signs to subdivisions, neighborhoods, public, commercial, industrial, institutional establishments and mobile home parks	32 sq. ft.	8 feet	Permitted use in all districts	No more than 2 per entrance allowed

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
The flag, pennant, or insignia of any nation, state, county, city, religious, civic of fraternal organization or educational institution, when not in connection with a commercial promotion, or as an advertising device or as an integral part of another sign	10 sq. ft. 15 sq. ft.	9 feet	Permitted use in all districts	In R-20, R-12, and R-8 districts, wall and projecting insignia may not exceed size nor may they project more than 9 feet from wall at farthest point. In O&I business and industrial districts, insignia may be placed on signs permitted in those districts. In any district, flags or pennants shall not exceed 15 square feet or, if on a pole, one-fourth height of a pole, whichever gives the flag the greater permitted area
Ground signs	150 sq. ft.	35 feet	Permitted use in I	No more than 1 per street frontage containing entrance to use. May be used only for identification or on-site advertising.
Ground signs	40 sq. ft.	20 feet	Permitted use in C-1, C-2 Special use in O&I	Must be at least 30 ft. from any other ground sign. Must meet vision clearance of §151.023.
House numbers	4 sq. ft.		Permitted use in all districts	May contain no advertising matter
Memorial signs, tablets, name of building and date of construction			Permitted use in all districts	Must be cut into a masonry surface or case of metal and affixed flat against a surface
Name of occupant of residential premises	2 sq. ft.		Permitted use in all districts	

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
Newspaper names on newspaper tubes			Permitted use in all districts	
No vacancy signs			Permitted use in all districts	
Political signs	4 sq. ft.			Must be removed within 15 days after last election to which they pertain
Portable signs, including any signs mounted on a vehicle or a trailer or trailer-type device	32 sq. ft.	10 fee	Permitted use in C-1, C-2, I	Nonrenewable permit from Zoning Administrator required. 20 day time limit. No more than 1 sign per establishment per street frontage. Same establishment may not have temporary signs again for 30 days after removal of such signs. Such signs shall not have colored flashing lights or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on the public right-of-way nor obstruct vision clearance as indicated in §151.076(A)
Professional or announcement signs	4		Permitted use in all districts	One per establishment
Projecting signs	20		Permitted use in C-1, C-2, I	Sign may be no more than 9 feet from wall at farthest point. 1 such sign per face on street, or 2 per establishment, whichever is less. Such sign may be hung on corner of building but shall count against the maximum number

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
				allowed above. Establishment may not also have a wall or roof sign on same face as projecting sign. Corner sign shall count as one face.
Real estate signs	6 32	Permitted use in residential and R-20 districts Permitted use in C-1, C-2, I		
Religious symbols at formal places of worship			Permitted use in all districts	
Roof signs – see wall signs				
Service station signs, automobile and truck			Permitted use in all districts when accessory to a service station	
Signs on racks for the orderly display of engine oil, provided such signs are no longer than the rack				
Signs on pumps and/or pump islands concerning the type and price of the fuel				
Signs on open portable tire racks provided the signs are no longer than the rack				

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A sign may be painted on the inside and outside front door face of the closed tire rack, but shall not be painted on the sides or rear				
One double-faced on-site advertising sign per street frontage showing the current price of fuel sold on the premises. Such sign shall be located off the right-of-way	20	5		
Temporary banners, pennants, streamers, excluding portable commercial signs			Permitted use in C-1, C-2, I	Only for opening of new business. May remain for no more than 4 weeks.
Temporary signs relating to farm auctions, agricultural production sales, annual charitable civic or fraternal events, excluding portable commercial signs.	20 off-site 32 on-site		Permitted use in all districts.	Off-site. No more than 1 per lot. On-site. No more than 3 per lot. May remain for no more than 45 days in all.
Vending machine signs painted or mounted on the machine related to the products in the machine; bank machine or book depository signs which instruct customers or patrons			Permitted use in all districts	

Wall or roof signs	1.25 square feet of sign area per running foot of building frontage	Such signs shall not project over the roofline of the building to which they are attached.	Permitted use in C-1, C-2, I, O&I	<p>Wall signs must be mounted on area of wall free of windows, doors, or other architectural features.</p> <p>Only one wall, roof, or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table.</p> <p>Such signs may be used only for identification or on-site advertising and at least 80% of sign face shall be for identification.</p>
Window signs			Permitted use in C-1, C-2, I	

(Ord. passed 12-16-85)

MOBILE HOMES AND MOBILE HOME PARKS

§151.090 MOBILE HOMES ON INDIVIDUAL LOTS.

Mobile homes on individual lots shall be a permitted use where indicted in §151.045. All requirements for the location of a single-family dwelling on an individual lot shall be met. Any mobile home constructed before July 1, 1970 must be approved by Underwriters’ Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards. All mobile homes shall be tied down in accordance with the state regulations for mobile homes and modular housing. All County Health Department requirements shall be met. The following additional conditions must also be met:

- (A) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint;

(B) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber;

(C) Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least three feet in width and five feet in length shall be constructed at the front or main entrance to the mobile home;

(D) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery;

(E) At least two off-street parking spaces shall be provided;

(F) All areas not used for parking, mobile home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion;

(G) All standards must be met prior to issuance of a certificate of occupancy.

(Ord. passed 12-16-85)

§151.091 MOBILE HOME PARKS.

For purpose of this chapter, a mobile home park shall be defined as a lot or parcel of land of at least five acres.

(A) *Plan approval.* Before any lot or parcel of land is to be used as a mobile home park, a certificate of zoning compliance for such use shall be issued based on the development plan for the park with its proposed methods of water supply and sewerage disposal approved by the appropriate agencies, including the County Health Department, the Division of Health Services, Department of Human Resources, Office of Water and Air Resources, Department of Natural Resources and Community Development, and a site plan reviewed by the county Soil and Water Conservation District, shall be approved by the Town Board upon recommendation of the Town Planning Board. The plan shall include among other things:

- (1) Location of drives, walks, street lighting, water and sewer systems, mobile home plots;
- (2) Location and size of service buildings and areas, recreation buildings and areas;
- (3) Location and type of screening fences or hedges, and storage areas;
- (4) Location and number of parking spaces;
- (5) Location and description of any other structure or improvement of the land;
- (6) Topographic features

(B) Design standards.

- (1) Each mobile home shall be on a plot at least 8,000 square feet in area.
- (2) Each mobile home plot shall be located at least 25 feet from any other structure, other mobile homes, property line, or plot line.
- (3) Each mobile home plot shall be provided parking spaces for at least two automobiles, covered with gravel or other suitable material, either on the lot or within 300 feet of the lot.
- (4) Each mobile home plot shall contain a walkway covered with gravel or other suitable material from the parking spaces to the patio.
- (5) All streets, roads, or drives located in the park must have a minimum right-of-way of 40 feet and must be paved or properly paved by gravel as determined by the town.
- (6) All mobile homes must have direct access through a driveway, private drive or other public street to a public right-of-way.
- (7) All streets, private drives, and the like more than 250 feet in length must be lighted at night.

(C) *Operating requirements.* Each mobile park shall operate in accordance with the rules and regulations of the County Health Department and the fire protection agency having jurisdiction of the park.

(Ord. passed 12-16-85)

§151.105 ZONING ADMINISTRATOR.

The zoning Administrator who shall be appointed by the Town Board of Commissioners is duly charged with the enforcement of the provisions of this chapter. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. passed 12-16-85)

§151.106 ZONING PERMIT.

(A) No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the Zoning Administrator or the Zoning Administrator’s authorized representative. A fee of \$25 shall be charged for the issuance of each zoning permit.

(B) All applications for permits shall be in the form prescribed by the Zoning Administrator and shall include a plot of site plan drawn to scale which shall clearly show:

- (1) The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot;
- (2) The location of the proposed structure or use on the lot;
- (3) The exact location and size of existing structures and uses;
- (4) The existing and intended use of each structure or part of structure;
- (5) The number of dwelling units the building is designed to accommodate, if applicable;
- (6) The height and number of stories of the structure;
- (7) The location and design of any off-street parking and/or loading;
- (8) The location and dimensions of driveways. Driveway approval procedures as required by the State Department of Transportation shall be initiated;
- (9) Date of plan preparation;
- (10) Location and descriptions of landscaping, buffering, and signs;
- (11) Such other information as may be necessary for determining whether the provisions of this chapter are being met.

(C) In addition to the information required in §151.106(B), any use which involves the grouping of more than one principal building or use on the same lot shall include the following information:

- (1) A vicinity map showing the relationship of the proposed development to the surrounding area;
- (2) North arrow and declination;
- (3) Detailed layouts for all utilities, right-of-ways, and roads and other improvements;
- (4) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site;

- (5) A copy of any proposed deed restrictions or similar covenants;
- (6) For projects over an acre in size, or if otherwise required by the Zoning Administrator, a topographic map showing vertical contours every two feet;
- (7) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

(D) The Zoning Administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

(E) Mobile home parks and shopping centers shall comply with the requirements of §151.091(C) in lieu of the requirements in this section.

(F) Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one year.

(G) A record of all zoning permits shall be kept on file and open to the public, subject to state law.

(Ord. passed 12-16-85)

§151.107 CERTIFICATE OF OCCUPANCY/COMPLIANCE.

No land shall be used or complied, and no building or structure erected or altered shall be used or changed in use until a certificate of occupancy/compliance has been issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use. The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to state law.

(Ord. passed 12-16-85)

§151.108 CONFORMANCE WITH PLANS.

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

(Ord. passed 12-16-85)

§151.109 RIGHT OF APPEAL.

If the zoning permit and/or occupancy/compliance certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

(Ord. passed 12-16-85)

§151.110 BOARD OF ADJUSTMENT.

(A) There shall be and is hereby created a Board of Adjustment (hereinafter called the Board) consisting of five members, including three residents of the town of and two members of the one-mile extraterritorial jurisdiction. All members of the Board shall have voting power on all matters of business. The town residence members of the Board shall be appointed by the Town Board of Commissioners. Residents of the one-mile extraterritorial jurisdiction shall be appointed by the County Commissioners. The members of the Board of Adjustment shall have initial terms of office as follows: one member appointed for a term of one year; two members appointed for terms of two years; and two members appointed for terms of three years. An alternate member appointed from within the corporate limits of the town may serve on the Board only in the absence of a regular member appointed from within the town's corporate limits. The alternate member from the extraterritorial jurisdiction of the town may serve on the Board only in the absence of the regular member from that area. Subsequent terms shall be for three years. If the Board of County Commissioners fail to appoint the extraterritorial members within 90 days after receiving a resolution from the Town Board of Commissioners requesting that there appointments be made, the Town Board of Commissioners may make them.

(B) The Board of Adjustment shall elect a chairman and vice-chairman from its regular members, who shall serve for one year or until re-elected or until their successors are elected. The Board shall adopt rules and bylaws in accordance with the provisions of this chapter and of N.C.G.S. Ch. 160A. Art. 19. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board of Adjustment is necessary to reverse any order, requirement, decision, or

determination of any administrative official charged with the enforcement of this chapter, or to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to grant a variance from the provisions of this chapter. Hearings by the Board of Adjustment shall be conducted in accordance with §151.112.

(C) All decisions shall be made part of the tape recorded or transcribed record of the public hearing and the written minutes. The decision shall include: A) Information Presented The information presented before the decision-making body. B) Documentary Evidence The documentary evidence submitted into the record; and C) Statement of Approval, Approval with Conditions, or Disapproval a clear statement of approval, approval with conditions, or disapproval, whichever is appropriate.

(D) The Board of Adjustment shall have the following powers and duties:

(1) *Appeals*

A) Purpose: Any person aggrieved by any decision or interpretation made by the Zoning Administrator (except construction plans, final plats and minor subdivisions for subdivision) or other officials administering this Ordinance may appeal such decision to the Board of Adjustment, which shall review the decision or interpretation pursuant to the requirements of this Section.

(B) Authorization: On the action appealed from, the Board of Adjustment shall have the same authority as the reviewing body to make the correct order, requirement, decision or determination.

C) Procedures

1) Initiation of appeals. Notices of Appeal shall be filed within the time prescribed in the Rules of Procedure of the Town Board of Adjustment.

2) Contents of appeal. The Notice of Appeal shall include a statement of the error or improper decision or interpretation made by the Zoning Administrator or other officer, the date of that decision, and all support materials related to the decision. The specific form of the Notice of Appeal shall be established by the Zoning Administrator.

3) Forwarding record to the appellate body. Upon receiving the Notice of Appeal, the Zoning Administrator shall forward the Notice of Appeal and the record of the decision on which the appeal is based to the Board of Adjustment.

4) Notice procedures. Notice of the time and place of the hearing on the appeal shall be mailed to the Appellant by the Zoning Administrator at least 14 days prior to the date of the hearing. Notice of the hearing shall also be published by the Zoning Administrator at least 14 calendar days prior. At the hearing on the appeal, the Appellant or the Appellant's agent shall state the grounds for the

appeal and include any materials or evidence to support the appeal. The Zoning Administrator, or a designated representative, shall be provided the opportunity to respond, as well as any other persons the Board of Adjustment deems necessary. After the conclusion of the hearing, the Board of Adjustment shall either affirm, affirm with modifications, or reverse the contested decision or interpretation, based on the Standards. The concurring vote of four-fifths of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination on appeal.

D) Stay: An appeal shall stay all proceedings in furtherance of the action appealed, unless the Town Attorney certifies that by reason of facts stated in the appeal, a stay would cause imminent peril to life or property.

E) Standards: A decision/interpretation of the Zoning Administrator or other official under this Ordinance shall not be reversed or modified unless there is demonstrated evidence that the interpretation/decision is inconsistent with the intent and standards of this Ordinance.

F) Hearing on Record: All appeals will be held solely on the record.

(2) *Variances.* To authorize upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty, or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

(a) There are exceptional conditions pertaining to the particular piece of property, in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic;

(b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located;

- (c) A literal interpretation of the provisions of this chapter would deprive the applicant or rights commonly enjoyed by other residents of the district in which the property is located;
- (d) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
- (e) The special circumstances are not the result of the actions of the applicant;
- (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure;
- (g) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

- (3) *Conditional uses.* To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this chapter, or to deny conditional uses when not in harmony with the purpose and intent of this chapter. Application for conditional uses shall be decided in accordance with the provisions of §§151.111 through 151.113.
- (4) *Map Interpretation.* To interpret the official zoning map in accordance with §151.044 of this chapter.

(Ord. passed 12-16-85)

§151.111 SPECIAL CONDITIONS AND USES.

The provisions of this chapter permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Adjustment or Town Board of Commissioners. Those which require a permit from the Board of Adjustment are

termed conditional uses by this chapter, whole those which involve broader policy considerations and therefore require a permit from the Town Board of Commissioners are termed special uses. Both types if uses, in some special or conditional uses, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire area of the town, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in §151.113 as well as all other applicable requirements of this chapter.

(Ord. passed 12-16-85)

§151.112 APPLICATION AND REVIEW PROCEDURES.

This applicant shall submit the appropriate appeal for administrative review or for a variance or an application for a special or conditional use permit accompanied by a site plan prepared in accordance with §151.106 in the number of copies established by and along with any other information required by the Zoning Administrator for proper review of the application. The Board of Adjustment or the Board of Commissioners shall give due notice of the hearing to the parties involved. In the case of a special use permit application, the planning board shall be given 60 days to review the application, before the hearing. The hearing shall not be held until a Planning Board recommendation has been received or 60 days has elapsed. The Planning Board shall give due notice to the applicant of any meetings at which the application will be considered. The hearing shall be conducted in accordance with the general law and court decisions of this state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony unless the party or parties before the Board stipulate the facts or waive this requirement. A simple majority is necessary for the Board of Adjustment or the Board of Commissioners to issue a special use permit. The Clerk of the Board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. A fee of \$25 shall be paid to the town for each application, for an administrative review, for a variance or special advertising and other administrative expenses involved. No application will be processed until the above fee has been paid.

(Ord. passed 12-16-85)

§151.113 CONDITIONS WHICH MUST BE MET BY SPECIAL AND CONDITIONAL USES.

(A) In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find that the following conditions exist where applicable:

- (1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied;
- (2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency;
- (3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- (4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;
- (5) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;
- (6) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

(B) If the appropriate board approves a special or conditional use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility right-of-way be dedicated to the public and that provision be made of recreational space and facilities.

(C) In addition to the general conditions in §151.113(A), special and conditional uses shall meet specific conditions for the type of use as indicated in this section.

(1) Use: Multi-family dwellings and complexes as a special use in R-8, R-20 and O&I.

(a) Requirements: Maximum density shall be as indicated in §151.045(B)

(b) Where more than one building is to be located at the site, building separation shall be determined as follows: The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<i>Height of Taller Building</i>	<i>Minimum Horizontal Distance Between Vertical Projections (Feet)</i>
20 or less	16
Between 20.1 and 25.0	25
Between 25.1 and 30.0	30
Between 30.1 and 35.0	40

(c) Distance related to windows: The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

(d) A yard of at least 50 feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings shall not be allowed in the required yard.

(e) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

(f) Accessory buildings and uses for multi-family dwellings shall not be placed in the fifty foot yard around the perimeter of the site.

(g) The Board may approve the inclusion of leasing offices, and of coin-operated laundry facilities, swimming pool snack bars, and similar service uses for residents of the multi-family dwelling provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

(2) Use: Planned Unit Developments as a special use in R-20, R-12, and R-8.

(a) A planned unit development is a project which is at least two gross acres in size to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

(b) A planned unit development may contain any of the permitted, special, or conditional uses listed for the R-20, R-12, or R-8 districts, subject to approval of the plans by the Board of Commissioners. Board of Adjustment approval of those listed as conditional uses is not needed in a planned unit development. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicated for multi-family dwellings in §151.045(B) and in this section. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for other principal use in §151.045(B) for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in such shopping centers are: grocery stores, drug stores, laundry and dry cleaning establishments, offices, gift shops, card shops, camera and photography shops, barber and beauty shops, and restaurants.

(c) In addition to the uses allowed in R-20, R-12, and R-8 districts and shopping centers, the following uses are allowed in planned unit developments:

(i) *Clustered detached single-family dwellings.* These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district, as indicated in §151.045(B), and the reduced dimensions, is dedicated to a homeowner's association as common open space.

(ii) *Zero lot line dwellings.* These are detached single-family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district as indicated in §151.045(B), and the reduced dimensions, is dedicated to a homeowner's association as common open space.

(d) Common areas and common open space shall be deeded to an owners' association and the developer or owner shall file with the Zoning Administrator and record in the County Register of Deeds office a declaration of covenants

and restrictions as well as regulations as bylaws that will govern the open space. Provisions shall include, but not be limited to, the following:

- (i) The association shall be established before the homes, buildings, or uses are sold;
- (ii) Membership shall be mandatory for the buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners;
- (iii) The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities;
- (iv) Any sums levied by the association that remain unpaid shall become a lien on the individual owners' property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town Board which adequately protects the interests of the town and the owners;
- (v) Any owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association;
- (vi) Uses of common property shall be appropriately limited;
- (vii) The following information shall also be provided:
 - (a) The name of the association;
 - (b) The manner in which directors of the association are to be selected;
 - (c) The post office address of the initial registered office;
 - (d) The name of the city and county in which the registered office is located; and
 - (e) The number of directors constituting the initial board of directors.

(3) Use: Public buildings, uses, utilities as a special use in R-20, R-12, R-8, O&I.

(a) Requirements: The Board shall review each application carefully and shall deny the permit if the benefit to the public will not outweigh any adverse effects the use might have.

(4) Use: Radio and TV stations and transmission towers as a special use in R-20.

(a) Requirements: The minimum distance from the center of the transmission tower to the nearest property line shall be two times the height of the tower or

the height of the tower plus 200 feet, whichever is greater. Off-street parking shall be provided at the rate of one space for each employee.

- (5) Use: Community centers as a conditional use in R-12, R-8, private clubs as a conditional use in R-20, R-12, R-8.
 - (a) Requirements: Noise from a public address system shall not be heard beyond the neighboring residential uses.
 - (b) The use will not be located in an area where traffic congestion will be a problem for neighboring residential uses.
- (6) Use: Fraternal organizations not open to the public as a conditional use in R-20, R-12, R-8.
 - (a) Requirements: The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
 - (b) Noise from the public address system shall not be heard beyond the property where the use is located.
 - (c) The use shall not be located in an area where traffic congestion will be a problem for neighboring residential uses.
- (7) Use: Temporary uses such as circuses, carnivals, fairs, as a special use in R-20, R-12, R-8.
 - (a) Requirements: This site shall be located at least 200 feet from the nearest occupied residential structure and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department requirements.
- (8) Use: Other temporary uses.
 - (a) Requirements: The Board shall consider the effects of the use on adjacent properties, and shall set a time limit on the temporary use.
- (9) Use: Commercial amusements as a conditional use in C-2.
 - (a) Requirements: No outdoor activities including parking shall be located within 2,000 feet of and residentially zoned land. No lights may shine where they will produce glare which will not be directly cast on a residential structure. Noise from commercial amusements shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.

(b) For indoor activity, the Board will take into consideration the proposed size of the operation and number of patrons and their effect on neighboring areas.

(c) Hours of operation will be limited to 10:00 a.m. to 10:00 p.m.

(10) Use: Retail or wholesale businesses, service establishments, or public uses other than those specifically listed with outdoor sales, service, storage areas or which would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazard.

(a) Requirements: The Board will carefully consider the effects of the individual operation on neighboring property and the town and shall deny the permit if an adverse effect would be created.

(11) Use: Any manufacturing, processing, or warehousing or transportation or public use or utility which involves outdoor storage, services, operations, emits or will emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located, or involves storage of combustible materials, or is among the uses listed as exceptions to permitted uses.

(a) Requirements: The Board will carefully consider the effects of the individual operation on neighboring property and the town and shall deny the permit if an adverse effect would be created.

(b) The Board shall require sufficient buffering to screen the outdoor use or portion of the use from view of streets and neighboring property.

(c) The outdoor use or portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

(d) Where a use could involve potential fire or other health hazards, the Fire Chief, and where applicable, the County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.

(12) Use: Townhouses as a special use in R-8.

(a) Requirements:

(i) Minimum lot area, width, depth, and lot coverage requirements shall be as indicated in §151.045(B) of this chapter;

(ii) The yard requirements around the perimeter of townhouse projects with more than two attached townhouses shall be increased to 50 feet;

(iii) The minimum number of townhouses attached to each other shall be two and the maximum shall be eight;

(iv) Any common areas and common open space shall be deeded to a homeowners' association which meets the requirements of §151.113(C). For the use, townhouses as a special use in §151.113(C)(13)(b)5.e;

(v) Recreation and open space:

(b) Every person or corporation who establishes a townhouse project for residential purposes shall be required to dedicate a portion of such land for the purposes of park, recreation, and open space sites to serve the residents of the townhouse project;

(c) The minimum amount of land that shall be dedicated for recreation, parks, or open space in all townhouse projects shall be one-half acre for each townhouse or 5% of the gross acreage, whichever is greatest;

(d) Criteria for evaluating suitability of proposed recreation, parks, and open space areas shall include, but not be limited to, the following, as determined by the Board of Commissioners in consultation with the Planning Board;

(i) The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Board of Commissioners may require that parcels be connected, and may require the dedication of a connecting path of up to 60 feet, and in no case less than 30 feet in width in addition to the land required in §151.113(C)(13)(b)5.b. of this use;

(ii) The dedicated land shall be located so as to serve the creation needs of the townhouse project.

(iii) Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to 60 feet in width and shall in no case be less than 30 feet in width;

(iv) The dedicated land shall be usable for active recreation (play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Board of Commissioners. If the Board of Commissioners determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

- (13) The Board of Commissioners may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this chapter. Such adjustments shall be reviewed by the Planning Board before action by the Board of Commissioners;
- (14) The land required by this section may be dedicated to the town, or may be deeded to a homeowners' association, the developer or owner shall file with the Zoning Administrator and record with the final townhouse project plat a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include but not be limited to, the following:
- (a) The association shall be established before the homes were sold;
 - (b) Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interest of the town and the owners;
 - (c) The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities;
 - (d) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowners' property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners;
 - (e) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the town to satisfy the requirements for public recreation space under this section of the chapter;
 - (f) An owner of each dwelling unit or each homeowner shall have voting rights in the association;
 - (g) Uses of common property shall be appropriately limited;
 - (h) The following information shall also be provided:
 - (i) The name of the association; B. The manner in which directors of the association are to be selected;
 - (ii) The post office address of the initial registered office;
 - (iii) The name of the city and county in which the registered office is located;

- (iv) The number of directors constituting the initial board of directors. Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.
- (15) Use: Commercial amusement buildings as a special use in C-1, C-2, electronic and pinball machines as a special use in C-1, C-2.
 - (a) Requirements: The Board will take into consideration the proposed size and number of patrons and their effect on neighboring uses. Hours of operation will be limited to 10:00 a.m. to 10:00 p.m.
- (16) Use: Day nurseries as a conditional use in R-20, R-12, R-8.
 - (a) Requirements: Before a day care center may be occupied, licensing is required by the North Carolina Day Care Licensing Board as provided in N.C.G.S. §§110-85 *et seq.*
- (17) Use: Amusement parks as a special use in C-2, I.
 - (a) Requirements: No activities including parking, shall be located within 2,000 feet of any residentially zoned land. No lights from the park may shine where they will produce glare which will not directly cast on a residential structure. Noise from the park shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.
- (18) Use: Campground for youth or organized groups as a conditional use in R-20.
 - (a) Requirements: The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for this size and purpose. The use shall meet any applicable County Health Department requirements.
- (19) Use: Outdoor storage yards as a special use in I.
 - (a) Requirements: The board shall require sufficient buffering to completely screen the use from view of streets and neighboring property.
 - (b) The use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.
- (20) Use: Campground as a conditional use in R-20.
 - (a) Requirements: The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department requirements.

(21) Use: Storage of inflammable liquids and other hazardous substances as a conditional use in I.

(a) Requirements: The Fire Chief, and where applicable, the County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.

(22) Use: Mobile homes and individual lots as a conditional use in R-20.

(a) Requirements: All requirements for the location of a single-family dwelling on an individual lot shall be met. Any mobile home constructed before July 1, 1970 must be approved by Underwriters Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards. All mobile homes shall be tied down in accordance with the state regulations for mobile homes and modular housing. All County Health Department requirements shall be met.

(23) Use: Short Term Rental as a special use in R-20, R-12, R-8..

(a) Requirements:

i. The use shall be managed and carried on by a resident of the property who shall submit to and maintain with the Zoning Administrator a contact telephone number by which said resident may be reached at any time during a short term rental stay.

ii. The use shall not allow displays of goods, products, services or other advertising shall be visible from outside of the dwelling.

iii. The use shall not allow activities other than lodging shall be provided.

iv. The use shall not require additional off-street parking.

v. The use shall not allow signage visible from the exterior of the residence.

vi. The use shall only allow appropriate exterior residential in nature lighting.

vii. The use shall require the owner or operator to pay any applicable taxes, including occupancy and sales taxes, to the appropriate governmental entity.

viii. The dwelling unit utilized for the short term rental shall comply with all current and applicable residential building codes.

ix. The overnight lodging shall not exceed 30 consecutive days for any one person. Following the expiration of the 30 day period, no short-term lodger shall occupy the same dwelling without a gap of at least 7 consecutive calendar days.

x. Short-term lodgers may not utilize the premises for holding special events or gatherings.

xi. The owner of such premises shall maintain a list of all short-term lodgers who stay in his dwelling. Said list shall contain the names of lodgers for the last three year period.

xii. Each violation of these and other special use condition shall is subject to Penalties under Section 151.999.

xiii. Operation of a short-term rental without the required special use permit is subject to Penalties under Section 151.999.

(Ord. passed 12-16-85)

§151.114 AMENDMENTS.

(A) This zoning code, including the official zoning map, may be amended only by the Board of Commissioners of the town, according to the procedures of this section. Proposed amendments may be initiated by the Board of Commissioners, Planning Board, or Board of Adjustment. Proposed amendments to the text of the zoning ordinance map also be initiated by any resident or property owner within the jurisdiction covered by this chapter, and any property owner within the jurisdiction covered by this chapter may initiate a request for a change in the zoning classification of his property.

(B) Except for amendments initiated by the Town Board, Planning Board, or Board of Adjustment, no proposed amendment shall be considered by the Town Board nor a public hearing held until an application containing the following information is submitted by the applicant: a statement of the present zoning regulations or district boundary, the name and signature of the applicant, and if an amendment of the zoning map is proposed, the tax parcel number of the lot proposed to be rezoned, the names and addresses of the owners of the lot in question, and the use of each adjacent property. When the applicant proposing the amendment is not the property owner, the burden of notifying the property owner as shown on the county tax listing shall be required by the third party requesting to certify that the property owner has received actual notice of the application and the scheduled public hearing. Actual notice may be provided by means of personally delivered or sent registered, certified, or delivery-receipt mail. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Planning Board or Board of Commissioners. The Zoning Administrator shall transmit the original application to the Town Board and a copy to the Planning Board. The original application shall be filed in the office of the Zoning Administrator after consideration by the Town Board.

(C) No amendment shall be adopted by the Board of Commissioners until they have held a public hearing on the amendment, and shall have given the Planning Board at least 30 days after the public hearing to make a recommendation concerning the amendment. Board of Commissioners decisions may be contested for the validity of a zoning or development ordinance text amendment for a period of one year after the decision is recorded by the clerk. Zoning map amendments may not be contested after a decision is made by the Board of Commissioners.

(D) Should a protest petition as described in N.C.G.S. §§160A-386 be submitted, it shall be handled in accordance with the procedures in N.C.G.S. §§160A-385 and 160A-386.

(E) When an application for amendment is denied by the Board of Commissioners, a period of 12 months must elapse before another application for the same property previously involved may be submitted.

(Ord. passed 12-16-85)

§151.115 VIOLATION REMEDIES.

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Administrator or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

(Ord. passed 12-16-85)

§151.999 PENALTY.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$50 or by imprisonment not to exceed 30 days. Each day a violation continues shall be deemed a separate offense.

(Ord. passed 12-16-85)

CHAPTER 152: FLOOD DAMAGE PREVENTION

Section

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STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

§152.01 STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina had in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Board of Commissioners of the Town of Warrenton, North Carolina, does ordain as follows:

(Ord. passed 4-10-2000)

§152.02 FINDINGS OF FACT.

(A) The flood hazard areas of the town are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages.

(Ord. passed 4-10-2000)

§152.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(A) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(B) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(D) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and

(E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

§152.04 OBJECTIVES.

The objectives of this chapter are:

(A) To protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business interruptions;

(E) To minimize damage to public and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(G) To insure that potential home buyers are notified that property is in a flood area.

(Ord. passed 4-10-2000)

§152.05 DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning that they have in common usage and to give this chapter it's most reasonable application.

ACCESSORY STRUCTURE. Structures which are located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure. Additions to existing building shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

APPEAL. A request for a review of the administrator's interpretation of any provision of this chapter.

AREA OF SPECIAL FLOOD HAZARD. Is the land in the floodplain within a community subject to a one percent or greater chance of being flooded in any given year.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT. For floodplain management purposes, any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING. Any structure built for support, shelter, or enclosure for any occupancy or storage.

DEVELOPMENT. For floodplain management purposes, any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

ELEVATED BUILDING. For floodplain management purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

EXISTING CONSTRUCTION. For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975 for FIRMS effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before April 10, 2000.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

FLOOD or ***FLOODING.*** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and
- (2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FORM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. Is the engineering study performed by the Federal Emergency Management Agency to identify flood hazard areas, flood insurance risk zones, and other flood data in a community. The study includes Flood Boundary and Floodway Maps (FBFMs), Flood Hazard Boundary Maps (FHBMs), and/or Flood Insurance Rate Maps (FIRMs).

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR. The top surface of an enclosed area in a building (including basement), such as top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

HISTORY STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Place (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a State inventory of historic places;
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified:
 - (a) By an approved state program as determined by the Secretary of Interior; or
 - (b) Directly by the Secretary of Interior in states without approved programs.

LOWEST FLOOR. For floodplain management and flood insurance purposes, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a **RECREATIONAL VEHICLE**.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL. For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a FIRM are references.

NEW CONSTRUCTION. For floodplain management purposes, structures for which the “start of construction” commenced on or after the effective date of the chapter and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after April 10, 2000.

NONCONFORMING BUILDING OR USE. Any legally existing building or use which fails to comply with the provisions of the ordinance.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal a projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REMEDY A VIOLATION. To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing the Federal financial exposure with regard to the structure or other development.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs of footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include the excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. For floodplain management purposes, a walled and roofed building a manufactured home, a gas or liquid storage tank, or other man-made facility or infrastructure that is principally above ground.

SUBSTANTIAL AGE. Damage of any origin by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of **SUBSTANTIAL IMPROVEMENT**.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure , the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred ***SUBSTANTIAL DAMAGE***, regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

VARIANCE. Is a grant of relief to a person from the requirements of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.

VIOLATION. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§152.25 *et seq.* and §§152.40 *et seq.* is presumed to be in violation until such time as that documentation is provided.

(Ord. passed 4-10-2000)

GENERAL PROVISIONS

§152.10 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Warrenton.

(Ord. passed 4-10-2000)

§152.11 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

There are no “Areas of Special Flood Hazard” (NSFHA) identified by the Federal Emergency Management Agency (FEMA) in its Flood Hazard Map or Flood Insurance Study and Flood Insurance Map(s), for Warrenton.

Municipal: In addition, upon annexation to Town of Warrenton, or inclusion in the Extraterritorial Jurisdiction, the Areas of Special Flood Hazard identified by the Federal Emergency Management for Unincorporated Warren County, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

(Ord. passed 4-10-2000)

§152.12 ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities.

(Ord. passed 4-10-2000)

§152.13 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. passed 4-10-2000)

§152.14 ABROGATION AND GREATER RESTRICTIONS.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes more stringent restrictions shall prevail.

(Ord. passed 4-10-2000)

§152.15 INTERPRETATION.

In the interpretation and application of this chapter all provisions shall be:

- (A) Considered as minimum requirements;
- (B) Liberally construed in favor of the governing body; and
- (C) Deemed neither to limit nor repeal any other powers granted under state statute.

(Ord. passed 4-10-2000)

§152.16 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the town or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. passed 4-10-2000)

§152.17 PENALTIES FOR VIOLATION.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof be fined not more than \$50 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. passed 4-10-2000)

ADMINISTRATION

§152.25 DESIGNATION OF LOCAL ADMINISTRATOR.

The Town Administrator, hereinafter referred to as the “administrator”, is hereby appointed to administer and implement the provisions of this chapter.

(Ord. passed 4-10-2000)

§152.26 DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Application for a Development Permit shall be made to the administrator on forms furnished by the administrator prior to any development activities. The Development Permit shall include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically the following information is required:

(A) A plot plan that shows the 100 year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the development permit applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency or the floodplain identified pursuant to either §152.27(J) or §§152.42 or 152.43. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same;

(B) The plot plan required by §152.26(A) must show the floodway as identified by the Federal Emergency Management Agency or pursuant to either §152.27(J) or 152.42, or the setback required for streams without designated floodways as required by §152.42(B);

(C) Where base flood elevation data is provided as set forth in §152.11 or §152.27(J), the application for a Development Permit within the flood hazard area shall show:

- (1) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and
- (2) If the non-residential structure will be flood proofed in accordance with §152.41(B), the elevation (in relation to mean sea level) to which the structure will be flood proofed;

(D) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two feet above the highest adjacent grade;

(E) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation;

(F) When a structure is flood proofed, the applicant shall provide a Floodproofing Certificate (FEMA Form 81-65) from a registered professional engineer or architect that the non-residential flood proofed structure meets the flood proofing criteria in §152.41(B);

(G) An Elevation Certificate (FEMA Form 81-31) or a Floodproofing Certificate (FEMA Form 81-65) is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the administrator a certification of the elevation of the lowest floor, or flood proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the same. Any work done within the twenty-one (21) day calendar period and prior to the submissions of the certification shall be at the permit holder's risk. The administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be caused to issue a stop-work order for the project.

(Ord. passed 4-10-2000)

§152.27 DUTIES AND RESPONSIBILITIES OF LOCAL ADMINISTRATOR.

Duties of the administrator shall include, but not be limited to:

(A) Review all development permits to assure that the requirements of this chapter have been satisfied;

(B) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit;

(C) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood

Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

(D) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(E) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of §§152.40 *et seq.* are met;

(F) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new substantially improved structures, in accordance with §152.26(G);

(G) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed, in accordance with §152.26(G);

(H) When flood proofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with §152.41(B);

(I) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section;

(J) When base flood elevation data or floodway data has not been provided in accordance with §152.11, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State, or other source, including data developed pursuant to §152.43(D), in order to administer the provisions of this chapter;

(K) When the exact location of boundaries of the areas special flood hazards conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the administrator in the permit file;

(L) Make on-site inspections of projects in accordance with §152.28;

(M) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with §152.28;

(N) Maintain all records pertaining to the administration of this chapter and make these records available for public inspection.

(Ord. passed 4-10-2000)

§152.28 ADMINISTRATIVE PROCEDURES.

(A) *Inspections of work in progress.* As the work pursuant to a permit progresses, the administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has the right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

(B) *Stop-work orders.* Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this chapter, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

(C) *Revocation of permits.* The administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.

(D) *Periodic inspections.* The administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department of any reasonable hour for the purposes of inspection or other enforcement action.

(E) *Violations to be corrected.* When the administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he owns.

(F) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service:

- (1) That the building or property is in violation of the Flood Damage Prevention Ordinance;
- (2) That a hearing will be held before the administrator as a designated place and time, not later than 10 days after the date of the notice, at which time the owner

shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

- (3) That following the hearing, the administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

(G) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

(H) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(I) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

(Ord. passed 4-10-2000)

§152.29 VARIANCE PROCEDURES.

(A) The Board of Adjustments as established by the town, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this chapter.

(B) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

(C) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(D) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and

- (1) The danger that materials may be swept onto other lands to the injury of other;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan a floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(E) A written report addressing each of the above factors shall be submitted with the application for a variance.

(F) Upon consideration of the factors listed above and the purposes of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(G) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(H) Conditions for Variances:

- (1) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances;

- (2) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
- (4) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions;
- (5) The administrator shall maintain the records of all appeal and report any variances to the Federal Emergency Management Agency upon request.

(Ord. passed 4-10-2000)

PROVISIONS FOR FLOOD HAZARD REDUCTION

§152.40 GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (A) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;
- (B) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (C) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages;

(D) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(E) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(F) New and replacement sanitary sewage systems shall be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(G) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and

(H) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of new construction as contained in this chapter.

(I) Non-Conforming, Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this chapter. Provided, however, nothing in this chapter shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway or stream setback, provided that the bulk of the building or structure below the base flood elevation in the floodway or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this chapter.

(Ord. passed 4-10-2000)

§152.41 SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in §152.11 or 152.27(J) the following provisions are required:

(A) Residential construction.

- (1) New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two feet above the base flood elevation.
- (2) Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

(B) *Non-residential construction.* New construction or substantial improvement of any commercial, industrial, or non-residential structure shall have the lowest floor, including basement, elevated no lower than two feet above the level of the base flood elevation. Structures located in A Zones may be flood proofed to the flood protection level in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in §152.26(G).

(C) *Manufactured homes.*

- (1) Manufactured homes that are placed or substantially improved on sites:
 - (a) Outside a manufactured home park or subdivision;
 - (b) In a new manufactured home park or subdivision;
 - (c) In an expansion to an existing manufactured home park or subdivision; or
 - (d) In an existing manufactured home park on which a manufactured home has incurred substantial damage as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (2) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of §152.41(C)(1) of this chapter must be elevated on reinforced piers or other structural elements so that the lowest floor of the manufactured home is no lower than two feet above the base flood elevation and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- (3) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the *State of North Carolina Regulations for Manufactured/Mobile Home, 1995 Edition*, and any revision thereto adopted by the Commissioner of Insurance pursuant to N.C.N.C.G.S. §143-143.15. Additionally, when the elevation would be met by an elevation of the chassis 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

- (4) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and by the administrator and the local Emergency Management Coordinator.

(D) *Recreational vehicles.* A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:

- (1) Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use; or
- (2) Meet the requirements of Sections 152.26, 152.40, and 152.41(C).

(E) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or meet the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (b) The bottom of all required openings shall be no higher than one foot above grade; and
 - (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(F) *Temporary structures.* Prior to the issuance of a development permit for a temporary structure the following requirements must be met:

- (1) All applicants must submit to the administrator prior to the issuance of the development permit a plan for the removal of such structure(s) in the event of a

hurricane or flash flood warning notification. The plan must include the following information:

- (a) A specified time period for which the temporary use will be permitted;
 - (b) The name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (c) The time frame prior to the event at which a structure will be removed (that is, minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - (e) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
- (2) The above information shall be submitted in writing to the administrator for review and written approval.

(G) *Accessory structure.* When accessory structures (sheds, detached garages, and the like) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking or restroom areas);
- (2) Accessory structures shall be designed to have low flood damage potential;
- (3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (4) Accessory structures shall be firmly anchored in accordance with §152.40(A);
- (5) Service facilities such as electrical and heating equipment shall be installed in accordance with §152.40(D); and
- (6) Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with §152.41(G).

(H) *Flood ways.* Located within areas of special flood hazard established in §152.11, area areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential, The following provisions shall apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard

engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the administrator.

- (2) If §152.41(H)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §152.41.
- (3) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of §152.41(C) and the encroachment standards of §152.41(H)(1) are met.

(Ord. passed 4-10-2000)

§152.42 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in §152.11 are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

(A) No encroachments, including fill, new construction, substantial improvement or new development shall be permitted within a distance of twenty feet each side from top of bank or five times the width of the stream whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) If §152.42(A) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of §§152.40 *et seq.* and shall be elevated or flood proofed in accordance with elevations established in accordance with 152.27(J). When base flood elevation data is not available from a Federal, State, or other source, the lowest flood, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

(Ord. passed 4-10-2000)

§152.43 STANDARDS FOR SUBDIVISION PROPOSALS AND MAJOR DEVELOPMENTS.

(A) Proposals for subdivisions and major developments shall be consistent with the need to minimize flood damage;

(B) Proposals for subdivisions and major developments shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) Proposals for subdivisions and major developments shall have adequate drainage provided to reduce exposure to flood hazards; and

(D) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

(Ord. passed 4-10-200)

CHAPTER 153: HISTORIC DISTRICT

Section

- 153.01 Purpose**
- 153.02 Creation of Historic Preservation Commission for the Town of Warrenton**
- 153.03 Commission Composition; Terms of Office; Attendance; Officers; Meetings; Establishment of Rules; Directive to Survey**
- 153.04 Powers, Duties and Responsibilities of the Commission**
- 153.05 Part 1: Designation of Historic District**
Part 2: Designation of Landmark
- 153.06 Required Landmark Designation Procedures**
- 153.07 Reserved**
- 153.08 Reserved**
- 153.09 Certificate of Appropriateness Required**
- 153.10 Conflict with other laws**
- 153.11 Remedies**
- 153.12 Appropriations**
- 153.13 Certain Changes Not Prohibited**
- 153.14 Delay in Demolition of Landmarks and Buildings within Historic District**
- 153.20 Prevention of Demolition by Neglect of Buildings within Historic District.**
- 153.90 Civil Remedies**
- 153.91 Other Remedies and penalties of enforcement.**

§153.01 PURPOSE

The historical heritage of the Town of Warrenton is a valued and important asset. The conservation and preservation of historic districts and landmarks stabilize and increase property values in their areas and strengthen the overall economy of the State. This Ordinance establishes a historic preservation commission for the following purposes:

(A) To safeguard the heritage of Warrenton by preserving any district or landmark therein that embodies important elements of its culture, history, architectural history, or prehistory; and

(B) To promote the use and conservation of such district or landmark for the education, pleasure and enrichment of the residents of the Town and the State as a whole.

§153.02 CREATION OF THE HISTORIC PRESERVATION COMMISSION FOR THE TOWN OF WARRENTON, NORTH CAROLINA

(A) There is hereby established a Historic Preservation Commission (“Commission”) for the Town of Warrenton under the authority of Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes. N.C.G.S §160A 400.7

(B) The Commission’s jurisdiction for its activities shall coincide with the Town’s Zoning Jurisdiction as delineated and shown on the official zoning map for the Town of Warrenton. (Ord. 151.040, et seq.)

§153.03 Commission Composition; Terms of Office; Attendance; Officers; Meetings; Establishment of Rules; Directive to Survey

(A) Composition: The Commission shall consist of seven (7) members. All the members shall reside within the territorial jurisdiction of the town. Members of the Commission shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields. Two members of the Commission shall be recommended by Preservation Warrenton, two members of the Commission shall be recommended by the Jacob Holt Foundation, two members as recommended by the Board of Commissioners from the public and the seventh member of the Commission shall be a member of the Board of Commissioners of the Town of Warrenton (herein referred to as “BOC”), although Commission members recommendations by Preservation Warrenton and/or the Jacob Holt Foundations as set forth herein need not be members of those organizations. Upon the recommending The BOC shall appoint members.

(B) Terms of Office: Members of the Commission shall serve terms of four years. Terms shall be staggered with the initial term of members being as follows: one (1) member for two (2)

years, three (3) members for three (3) years and three (3) members for four (4) years. A member may be reappointed for consecutive terms. In the event that a member should need replacement, the replacing member shall serve the remainder of the current term and shall be recommended to the BOC from the appropriate organization as set forth above.

(C) Attendance: Any member of the Commission who misses more than three consecutive regular meetings shall be replaced or reappointed by the BOC pursuant to this ordinance. Absence due to sickness, death in the family or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the Commission, except that in the event of a long illness or any other such cause for prolonged absence, the member shall be replaced.

(D) Officers: The Historic Preservation Commission shall elect from among its members a chairman, vice-chairman and treasurer. Officers shall be elected annually and may be re-elected. A staff member of the Town of Warrenton may be appointed to serve as a secretary or an administrative advisor for the Commission. The Commission may appoint advisory bodies and committees as appropriate.

(E) Meetings: The Commission shall hold at least one regular meeting each month, except when it has no business pending. Special meetings may be called in a manner determined by the Commission and its rules and procedures. All meetings shall be subject to the North Carolina Open Meeting laws and a public record shall be kept of the Commission's resolutions, proceedings, and actions.

(F) Rules and Procedures: The Historic Preservation Commission shall adopt rules of procedure for the conduct of its business in keeping with the provisions of this Ordinance. The rules and procedures shall at least provide for the selection and duties of the officers of the Commission, the time and place of its regular meetings and the calling of special meetings, and the procedures for the conduct of its meetings and public hearings.

Upon its first formal meeting and prior to performing any duties under this ordinance or under Article 19, Part 3C of Chapter 160A of the North Carolina General Statutes, the Commission shall adopt rules of procedure ("Rules and Procedure") for the conduct of its business. Said rules and procedures shall be submitted to the BOC for approval. The Commission shall prepare and submit an annual report in April of each year to the BOC. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission as well as any budget requests or recommendations which need to be described to maintain the Town's designation as a Certified Local Government (CLG) as required by the State Historic Preservation Officer. The Commission shall keep as public record an accurate account of its meeting attendance and adopted resolutions, findings, and recommendations.

The Commission shall perform the duties of both a separate historic districts commission and a separate historic properties commission as required and shall conform their actions to this ordinance and the statutory directive when acting in either capacity.

§153.04 Powers, Duties and Responsibilities of the Commission

Pursuant to Chapter 160A, Article 19, Part 3C of the North Carolina General Statutes and this ordinance, the Commission shall have the following powers, duties and responsibilities:

(A) Review the inventory of properties of historical, architectural, archaeological, and/or cultural significance as designated in the 1976 survey of properties for the Town of Warrenton.

(B) Recommend to the BOC additional districts or areas to be designated in the ordinance as “Historic Districts” within the Town of Warrenton and its extraterritorial zoning jurisdiction.

(C) Recommend to the BOC that designation of any district or area as a historic district or part thereof be revoked or removed for just cause.

(D) Recommend to the BOC individual structures, buildings, sites, areas or objects to be designated by ordinance as “historic properties.”

(E) Recommend to BOC that designation of any building, structure, site, area or object as a historic property be revoked or removed.

(F) Conduct an educational program with respect to historic properties and districts within its jurisdiction.

(G) Publish information about, or otherwise inform the owners of property within the district or of designated historic properties, of any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.

(H) Cooperate with the State, Federal and local governments in pursuance of the purposes of this ordinance. The Commission when authorized by the BOC may contract with the State or the United States of America, or any agency of either or with any other organization provided the terms are not inconsistent with State or Federal law, for services or funds.

(I) Recommend to the BOC and the State of North Carolina structures, sites, objects or districts worthy of national, state or local recognition.

(J) Communicate with other boards or commissions or agencies of the Town of Warrenton or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.

(K) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.

(L) Prepare and recommend the official adoption of a preservation element as part of the Town of Warrenton's comprehensive plan.

(M) Consider and act upon applications for Certificates of Appropriateness in accordance with the Rules of Procedure and applicable Zoning Ordinance of the Town of Warrenton as set forth in Section 153 et al.

(N) Act as, establish or designate a group, body or committee to give advice to property owners concerning the treatment of the historical and visual characteristics of their properties, such as fenestration, architectural, and landscape features.

(O) Attend and present its recommendations at public hearings on applications for Certificates of Appropriateness where the BOC deems that such a hearing is necessary.

(P) Recommend guidelines to be established under which the Town Administrator or his/her designee may approve applications for Certificates of Appropriateness for minor modifications of historic properties or building structures or sites in a historic district on behalf of the Commission, provided no application shall be denied by the Town Administrator without first being considered by the Commission.

(Q) Undertake programs of information, research, or analysis relating to any matters under its purview.

(R) Report violations of this ordinance, or related ordinances such as Zoning Ordinance and building code, to the County Building Inspector.

(S) Negotiate at any time with the owner of a building, structure, site, area, or object for its preservation when such an action is reasonably necessary or appropriate.

(T) Take steps during the period of postponement of demolition of any historic property to ascertain what the BOC can or may do to preserve such properties, including consultation with private civic groups, interested private citizens and other public boards or agencies and including investigation of potential acquisition by the Town of Warrenton when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic, architectural and archaeological significance.

(U) Assist Town staff in obtaining the services of private consultants to aid in carrying out programs of research or analysis when requested.

(V) Recommend to the BOC changes to this or any other ordinance and propose new ordinances or laws relating to historic properties and historic districts or relating to a total program for the protection and/or development of the historic resources of the Town of Warrenton and its environs.

(W) Exercise such other powers and perform such other duties as are required elsewhere by this ordinance, the General Statutes of North Carolina or by the Town of Warrenton.

SECTIONS 153.1 through 153.4 ADOPTED BY THE WARRENTON BOARD OF COMMISSIONERS ENACTED AUGUST 13, 2007.

§153.05 Part 1: Designation of Historic District

(A) The Warrenton Historic District Commission has conducted an investigation and submitted a report describing the significance of the buildings, structures, features, sites or surroundings to be included in the Warrenton Historic District, and a description of the boundaries of such district has been prepared, and

(B) The Department of Cultural Resources, acting through the State Historic Preservation Officer or his or her designee, has made an analysis of and recommendations concerning such report and description of proposed boundaries.

(C) The Warrenton Historic District shall be comprised of the 1973 National Registry District.

(D) The Town of Warrenton Historic District map and its building inventory shall be available for public inspection at the Town Hall during regular business hours.

Part 2: Designation of Landmark

Upon complying with N.C.N.C.G.S. §160A 400.6, the Town Board may adopt and from time to time amend or repeal an ordinance designating one or more historic landmarks. The Historic District Commission shall make recommendations for such designation in accordance with the rules of the Commission and this chapter.

No property shall be recommended for designation as a historic landmark unless it is deemed and found by the Historic District Commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance, and to possess integrity of design, setting, workmanship, materials, feeling and/or association.

The ordinance shall include a description of each property designated in the ordinance, the name or names of the owner or owners of the property, those elements of the property that are integral to its historical, architectural, or prehistoric value, including the land area of the property so designated, and any other information the governing board deems necessary. For each building, structure, site, area, or object so designated as a historic landmark, the ordinance shall require that the waiting period set forth in this Part be observed prior to its demolition. For each designated landmark, the ordinance shall also provide for a suitable sign on the property indicating that the property has been so designated. If the owner consents, the sign shall be placed upon the property. If the owner objects, the sign shall be placed on a nearby public right of way.

As a guide for the identification and evaluation of landmarks, the Historic District Commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistoric, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Office of Archives and History. No ordinance designating a historic building, structure, site, area or object as a landmark nor any amendment thereto may be adopted, nor may any property be accepted or acquired by the Historic District Commission or the Town Board, until all of the following procedural steps in compliance with N.C.G.S §160A-400.06 have been taken.

Upon adoption of the ordinance, the owners and occupants of each designated landmark shall be given written notification of such designation insofar as reasonable diligence permits. One copy of the ordinance and all amendments thereto shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark or landmarks are located. Each designated landmark shall be indexed according to the name of the owner of the property in the grantee and grantor indexes in the register of deeds office, and the preservation commission shall pay a reasonable fee for filing and indexing. In the case of any landmark property lying within the zoning jurisdiction of a city, a second copy of the ordinance and all amendments thereto shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the ordinance and all amendments thereto shall be given to the city or county building inspector. The fact that a building, structure, site, area or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the county or city for such period as the designation remains in effect.

Upon the adoption of the landmarks ordinance or any amendment thereto, it shall be the duty of the Historic District Commission to give notice thereof to the tax supervisor of Warren County. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes.

§153.07 RESERVED

§153.08 RESERVED

§153.09 Certificate of Appropriateness required

(A) From and after the designation of a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a certificate of appropriateness (herein and after "certificate") as to exterior features has been submitted to and approved by the preservation commission. The Town requires a certificate to be issued by the Historic Commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part.

(B) A certificate of appropriateness shall be required whether or not a building or other permit is required.

(C) For purposes of this ordinance, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" may, in the discretion of the local governing board, include historic signs, color, and significant landscape, archaeological, and natural features of the area.

(D) Except as provided in (e) below, the Historic Commission shall have no jurisdiction over interior arrangement and shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the landmark or district.

(E) Notwithstanding subsection (a) of this section, jurisdiction of the Historic Commission over interior spaces shall be limited to specific interior features of architectural, artistic or historical significance in publicly owned landmarks; and of privately owned historic landmarks for which consent for interior review has been given by the owner. Said consent of an owner for interior review shall bind future owners and/or successors in title, provided such consent has been filed in the Warren County Registry of Deeds and indexed according to the name of the

owner of the property in the grantee and grantor indexes. The landmark designation shall specify the interior features to be reviewed and the specific nature of the commission's jurisdiction over the interior.

(F) Prior to any action to enforce a landmark or historic district ordinance, the Historic Commission shall (i) prepare and adopt rules of procedure, and (ii) prepare and adopt principles and guidelines not inconsistent with this Part for new construction, alterations, additions, moving and demolition.

(G) Prior to issuance or denial of a certificate of appropriateness the Historic Commission shall take such steps as may be reasonably required in the ordinance and rules of procedure to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. All meetings of the commission shall be open to the public, in accordance with the North Carolina Open Meetings Law, Chapter 143, Article 33C.

(H) All applications for certificates of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application for a certificate of appropriateness is filed, as defined by the ordinance or the commission's rules of procedure. As part of its review procedure, the Historic Commission may view the premises and seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

(I) An appeal may be taken to the Board of Adjustment from the Historic Commission's action in granting or denying any certificate, which appeals (i) may be taken by any aggrieved party, (ii) shall be taken within times prescribed (30 Days), and (iii) shall be in the nature of *certiorari*.

(J) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the Superior Court of Warren County.

(K) All of the provisions of this Part are hereby made applicable to construction, alteration, moving and demolition by the State of North Carolina, its political subdivisions, agencies and instrumentalities, provided however they shall not apply to interiors of buildings or structures owned by the State of North Carolina.

(L) The State and its agencies shall have a right of appeal to the North Carolina Historical Commission or any successor agency assuming its responsibilities under N.C.G.S. §121-12(a) from any decision of the Warrenton Historic District commission. The commission shall render its decision within 30 days from the date that the notice of appeal by the State is received by it. The current edition of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings shall be the sole principles and guidelines used in reviewing

applications of the State for certificates of appropriateness. The decision of the commission shall be final and binding upon both the State and the preservation commission.

§153.10 Conflicts with other laws

Whenever any part of this ordinance adopted pursuant to this Part requires a longer waiting period or imposes other higher standards with respect to a designated historic landmark or district than are established under any other statute, charter provision, or regulation, this Part shall govern. Whenever the provisions require a longer waiting period or impose other higher standards than are established under this Part, such other statute, charter provision, ordinance or regulation shall govern. (1989, c. 706, s. 2.)

§153.11 Remedies

In case any building, structure, site, area or object designated as a historic landmark or located within a historic district designated pursuant to this Part is about to be demolished whether as the result of the deliberate neglect or otherwise, materially altered, remodeled,, removed or destroyed, except in compliance with the ordinance or other provisions of this Part, the city or county, the historic preservation commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area or object. Such remedies shall be in addition to any others authorized by this Chapter for violation of a municipal ordinance. (1989, c. 706, s. 2) SEE N.C.N.C.G.S. §160A-400.11

§153.12 Appropriations

A city or county governing board is authorized to make apportions to a historic preservation commission established pursuant to this Part in any amount that it may determine necessary for the expenses of the operation of the commission, and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation, and management of historic buildings, structures, sites, areas or objects designated as historic landmarks or within designated historic districts, or of land on which such buildings or structures are located, or to which they may be removed. (1989, c. 706, s. 2) SEE N.C.N.C.G.S. §160A-400.12

§153.12 Certain Changes not prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in a historic district or of a landmark which does not involve a change in design, material, or appearance thereof nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition. SEE N.C.N.C.G.S. §160A-400.13

§153.13 Delay in demolition of landmarks and buildings within historic District.

(A) An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within the district may not be denied except as provided below in subsection (C). However, the effective date of such a certificate may be delayed for a period of up to 365 days from the date of approval. The maximum period of delay authorized by this section shall be reduced by the commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period the Historic District Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the preservation commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition, or removal. If the Historic District Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the Town Board, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission or planning board for a period of up to 180 days or until the local governing board takes final action on the designation, whichever occurs first. SEE N.C.N.C.G.S. §160A-400.14

(B) The Town Board or the Historic District Commission may prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(C) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places shall be denied except where the commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

§153.14-19 RESERVED

§153.90 Civil Remedies

In case any building, structure, site, area or object designated as a historic landmark or located within a historic district designated pursuant to this ordinance is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance, the Town or County, the Historic District Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area or object. Such remedies shall be in addition to any others authorized by the General Statutes for violation of a municipal ordinance.

§153.91 Other Remedies and penalties of enforcement.

(A) Permit denial: An application for a Town permit or renewal thereof hereunder may be denied by the Town manager or his designee if the prospective Town permittee fails to comply with any of the requirements of sections of the Historic District ordinance, above or if a material violation exists of any provision of this article.

(B) Permit revocation: The Town permit shall be revoked by the Town manager or his designee for any material violation of this article or for false representations made in securing a permit hereunder. The Town manager or his designee may revoke the Town permit by notifying the Town permittee holder in writing and stating the reason for revocation. any Town permittee whose permit is denied or revoked may appeal said denial or revocation to the full board of commissioners.

(C) Civil penalty: Violation of this article subjects a violator to a civil penalty in the amount of \$100.00. The Town manager or his designee may impose a civil penalty by giving the violator a written citation either in person or by registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and inform the violator to pay the civil penalty or correct the violation or both within the time limit. Any order to correct a violation shall specify a reasonable time period in which the violation may be brought into compliance (the "compliance period") and no additional penalties shall be assessed until the compliance period has expired. The Town may institute a civil action in the nature of a debt collection in a court of competent jurisdiction to recover any civil penalty assessed hereunder.

(D) Each violation and each day that a violation continues after the expiration of the compliance period shall be considered a separate offense for the purposes of the civil penalty specified in this section.

(E) *Injunction and abatement order:* The Town manager or his designee may institute an action in a court of competent jurisdiction for mandatory or prohibitory injunction and order of abatement commanding the violator to correct or cease the violation of this article.

(F) *Other equitable relief:* In addition to the above remedies and penalties, the Town may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct or abate a violation of this chapter.

(G) *Attorney fees:* If it is necessary to institute a civil or equitable action under this section, attorneys fees incurred by the Town shall be taxed to the defendant as an additional civil penalty hereunder if the Town is the prevailing party.

(H) *Primacy of state and federal law:* Nothing herein shall be read to allow the Town to impose civil penalties or initiate a civil action for the violation of a federal or state law, rule, regulation.

CHAPTER 154: C1 DISTRICT – SAFETY AND APPEARANCE

Section

- 154.01 Intent and Scope**
- 154.02 Maintenance Requirements**
- 154.03 Adequate Repairs**
- 154.04 Appeal Process**
- 154.05 Enforcement; Violations; and Penalties**
- 154.06 Undue Hardship**

§154.01 Intent and Scope It is the purpose and intent of the Warrenton Town Board of Commissioners, through the adoption of this Chapter, to insure that windows and doors visible from a public street be maintained in visible working condition and free of broken or damaged appearance as a mechanism to preserve the historic integrity of Warrenton’s Downtown Business District and to protect this district from becoming blighted through the lack of adequate maintenance. The Town finds that the broken glass from buildings pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Chapter shall apply to all properties in the C-1 Business districts of the Town of Warrenton.

(Ordinance adopted June 13, 2011 effective July 1, 2011)

§154.02 Maintenance Requirements Any window or door which is affixed to a building, structure, or residence which is located in the C1 District, and that said window or door is visible from a public street must be properly maintained and show no signs of visible disrepair.

Visible disrepair is defined for the purpose of this ordinance to be any window or door having:

- a) broken or missing panes of glass;
- b) visible rot or sagging of sash, panels or frame;
- c) visible missing sash;
- d) noticeable peeling or chipping of paint.

(Ordinance adopted June 13, 2011 effective July 1, 2011)

§154.03 Adequate Repairs For the purpose of this ordinance boarding up a window or door is considered a temporary remedy and does not constitute compliance. Owners of buildings with boarded up windows at the time this Ordinance is passed will have 90 days from the date of notification by certified mail to apply to the Warrenton Historic District Commission for a Certificate of Appropriateness. Boarded up windows may or may not be deemed acceptable by the Commission.

All repairs must be made in accordance with the guidelines of the Town Of Warrenton Historic District Ordinance and with a Certificate of Appropriateness issued by the Historic District Commission set forth in §153.09

Minor repairs such as replacing single panes of glass and painting trim will be considered to be general maintenance which may be performed without application for a Certificate of Appropriateness. Clarifications for what constitutes general maintenance should be addressed to the Town Administrator.

(Ordinance adopted June 13, 2011 effective July 1, 2011)

§154.04 Appeal Process Any property who wishes to appeal any citation for violating this ordinance should follow the appeal process as set forth in the Warrenton Historic District Ordinance §153.09(i).

(Ordinance adopted June 13, 2011 effective July 1, 2011)

§154.05 Enforcement; Violations; and Penalties Violation of this article subjects a violator to a civil penalty in the amount of \$25.00 per window for each month following 30 days notice of non-compliance with this ordinance. The Town Administrator or his designee may impose a civil penalty by giving the violator a written citation either in person or by registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and inform the violator to pay the civil penalty or correct the violation or both within the time limit. Any citation to correct a violation shall specify a reasonable time period in which the violation may be brought into compliance (the "compliance period") and no additional penalties shall be assessed until the compliance period has expired. The Town may institute a civil action in the nature of a debt collection in a court of competent jurisdiction to recover any civil penalty assessed hereunder. The civil penalty will continue to accrue through the appeal process until overruled or stayed by the Board of Commissioners. All Civil penalties collected from this ordinance will be budgeted for the downtown revitalization effort.

(Ordinance adopted June 13, 2011 effective July 1, 2011)

§154.06 Undue hardship *Safeguards from undue economic hardship.* When a claim of undue economic hardship is made owing to the effects of this article, the town administrator shall notify the Historic District Commission within ten days following the hearing on the complaint. The Historic District Commission shall schedule a hearing on the claim at its next regular meeting, within the limitations of its procedures for application deadlines. The petitioner shall present the information provided under subsection (1) to the Commission. The Commission may require that an owner and/or parties in interest furnish such additional information that is relevant to its determination of undue economic hardship. The Commission may direct its members and town staff to furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

(A) When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property

- i. Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
- ii. Financial resources of the owner and/or parties in interest.
- iii. Cost of repairs.
- iv. Assessed value of the land and improvements.
- v. Real estate taxes for the previous two years.
- vi. Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- vii. Annual debt service, if any, for previous two years.
- viii. Any listing of the property for sale or rent, price asked, and offers received, if any.
- ix. For income producing property
 - a) Annual gross income from the property for the previous two years.
 - b) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed.
 - c) Annual cash flow, if any, for the previous two years.

(B) Within 60 days of the Historic District Commission's hearing on the claim, the Commission shall cause to be made a finding regarding the claim of undue economic hardship and shall enter the reasons for such finding in writing. In the event of a finding of no undue economic hardship, the Commission shall report such a finding to the town administrator. The town administrator shall then cause to be issued an order for such property to be repaired within the time specified.

(C) In the event of a finding of undue economic hardship to an extent necessary to facilitate the repairs, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under the North Carolina law, loans or grants from the town, the county, or other public, private, or non-profit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The Historic District Commission shall report such finding and plan to the town administrator. The town administrator shall cause to be issued an order for such property to be repaired within the time specified, and in accordance with the provisions of the recommended plan.

(Ordinance adopted June 13, 2011 effective July 1, 2011)

CHAPTER 155: VACANT COMMERCIAL PROPERTY REGISTRATION

Section

- 155.01 Intent and Scope**
- 155.02 Definitions**
- 155.03 Registration**
- 155.04 Fees**
- 155.05 Maintenance Requirements**
- 155.06 Security Requirements**
- 155.07 Requirement to Hire Local Property Management Company for Out-of-Area Owners.**
- 155.08 Inspections**
- 155.09 Enforcement; Violations; and Penalties**
- 155.10 Appeals**
- 155.11 Severability**
- 155.12 Preemption**

§155.01 Intent and Scope It is the purpose and intent of the Warrenton Town Board of Commissioners, through the adoption of this Chapter, to establish a vacant property registration ordinance as a mechanism to preserve the historic integrity of Warrenton’s Historic District and to protect the Town’s commercial districts from becoming blighted through the lack of adequate maintenance and security of abandoned and vacant properties. Additionally the Town desires to deter crime and theft of materials, to minimize loss of property value to vacant properties and surrounding occupied properties, to reduce the risk of damage from fire, flooding or other hazards, and to promote the comfort, happiness and emotional stability of area residents. The Town finds that the presence of properties exhibiting evidence of vacancy pose special risks to the health, safety, and welfare of the community and therefore require heightened regulatory attention. The provisions of this Chapter shall apply to all properties in the C-1 and C-2 Business districts of the Town of Warrenton.

§155.02 Definitions For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as follows:

“**Days**” means consecutive calendar days.

“**Evidence of Vacancy**” means any aesthetic condition that on its own or combined with other conditions present would lead a reasonable person to believe that the Property is vacant. Such conditions include, but are not limited to, overgrown or dead vegetation, extensively chipped or peeling exterior paint, exterior walls in poor condition, porches and steps in poor condition, roof in poor condition, broken windows and other signs of general disrepair, accumulation of newspapers, circulars, flyers or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds, or shutters, the absence of furnishings or personal items consistent with commercial habitation, statements by neighbors, passersby, delivery agents, government employees that the Property is vacant.

“**Government Agency**” means any public body having authority over the Property and residents of the Town, including but not limited to the Town of Warrenton, Warren County, Warrenton Police Department, Warrenton Rural Volunteer Fire Department, Warren County Sheriff’s Office

“**Government Official**” means any public official representing a public body which has authority over the Property and residents of the Town, including but not limited to the Town Administrator, County Building Inspector, Town Police Chief, County Fire Marshall, Mayor.

“**Historic District**” means the state-designated Warrenton Historic District, as listed in the National Register of Historic Places and/or defined in the ordinances establishing the Warrenton Historic District Commission.

“**Local**” means located within forty (40) road or driving miles distance of the subject Property.

“**Non-residential Property**” means any real property used or intended to be used for anything other than residential property as defined herein.

“**Out of Area**” means located in excess of forty (40) road or driving miles distance away from the subject Property.

“**Owner**” means any person, partnership, association, corporation or fiduciary having a legal or equitable title or any interest in any real property. No trustee in any Deed of Trust shall be considered an owner.

“**Owner of Record**” is the person or entity listed on recorded deed, probated will or heir by intestacy.

“**Property**” means any unimproved or improved real property or portion thereof, situated in the Town and includes the buildings or structures located on the Property regardless of condition.

“**Residential Property**” means a building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, multiple dwellings, mobile homes, house trailers, boarding and lodging houses, apartment houses, and apartment hotels.

“**Town**” means the Town of Warrenton corporate limits and its Extra Territorial Jurisdiction.

“**Utilities**” means water, sewer, telephone, natural and propane gas, and electricity services.

“**Vacant**” means a Property that has not been legally occupied for thirty days. Legally occupied means occupancy by the owner or any business or individual whose presence therein is with the consent of the owner.

§155.03 Registration Required

(A) Any vacant commercial property located within the Town’s C-1 and C-2 districts must be registered by the Owner with the Town Administrator, either (1) of the Owner of a Vacant Property’s own accord before receiving a Notice of Registration Requirement, or (2) within 30 days of receiving a Notice of Registration Requirement from the Town.

(B) The Town will send a Notice of Registration Requirement to the Owner of Record of Properties that exhibit Evidence of Vacancy. Owner shall register Property within the time period set forth in Section 3(a) of this Chapter unless Owner can provide clear and convincing evidence to the Town Administrator, within such time period, that the Property is not Vacant.

(C) The Registration shall contain:

- (1) the name of the Owner (corporation or individual),
- (2) the direct street/office mailing address of the Owner and P.O. Box if applicable,
- (3) a direct contact name and phone number,
- (4) the name, address and telephone number of any local property management company hired by the Owner to meet the Maintenance requirements of this Chapter if Owner’s principal residence is not Local.

(D) Any changes in the information in (b)(i)-(b)(iv) of this Section shall be reported to the Town within thirty (30) days of such changes.

(E) Registration must be renewed annually.

(F) Vacant properties shall remain subject to the annual registration, maintenance, and security requirements of this Chapter as long as they remain Vacant.

(G) Once the Property is no longer Vacant or is sold, the owner must provide written proof of occupancy or sale to the Town Administrator.

§155.04 Fees

(A) The fee for registering a Vacant Property shall be \$15 annually, beginning on July 1. Fees will not be prorated.

(B) Registration fee may be waived by the Town Council if Owner can demonstrate with clear and convincing evidence (1) that the Property has been sold, or (2) that the Property will be occupied within 30 days from the date of Notice of Registration Requirement.

§155.05 Maintenance Requirements

Properties subject to this Chapter shall be kept in compliance with the following maintenance requirements:

(A) The exteriors of building(s)/structure(s) on the Property shall be painted and maintained in a way that does not does not exhibit any Evidence of Vacancy.

(B) The yard(s) of the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(C) The deck(s) and porch(s) located on the Property shall be maintained in a way that does not provide Evidence of Vacancy.

(D) The window(s) and door(s) of building(s)/structure(s) of the property shall be intact and operable and shall be maintained in a way that does not provide Evidence of Vacancy.

(E) Instances of rotting of building(s)/structure(s) located on the Property or portion thereof shall be corrected in order to eliminate Evidence of Vacancy so that no visible rotting, with the exterior painted and kept in good aesthetic condition.

(F) The Property shall be maintained so as to exhibit no Evidence of Vacancy.

(G) The storefronts and facades of buildings shall be maintained in a way that does not provide Evidence of Vacancy.

(H) The interiors, when visible to passersby through storefront windows, shall be maintained in a way that does not exhibit Evidence of Vacancy.

§155.06 Security Requirements.

Vacant properties subject to this Chapter shall comply with the following security requirements.

(A) The Property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. This includes, without limitation, the closure and locking of windows, doors (including but not limited to walk-through, sliding, and garage), gates, pet doors, and any other such opening of such size that it may allow a child to access the interior of the Property or structure(s).

(B) Broken windows shall be replaced and/or re-glazed; windows at street level shall not be boarded up.

§155.07 Requirement to Hire Local Property Management Company for Out-of-Area Owners.

(A) If the Property Owner’s principal residence is not Local, then a Local property management company shall be contracted to fulfill the maintenance and security requirements of this Chapter, set forth in Sections 5 and 6, and any other applicable laws.

(B) The Property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet and shall contain along with the name and 24-hour contact number the words “THIS PROPERTY MANAGED BY” and “TO REPORT PROBLEMS OR CONCERNS CALL.” The posting shall be placed in the interior of a window facing the street to the front of the Property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the Property so it is visible from the street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the Property but not readily accessible to vandals. The exterior posting must be constructed of and printed with weather resistant materials.

(C) The requirement set forth in part (a) of this section may be waived by the Town Board for owners who (1) reliably demonstrate an ability to maintain the property and (2) have not received any citations for maintenance violations in the previous quarter.

(D) Owner may appeal this requirement to the Town Board of Commissioners which may excuse Owner from compliance if Owner can present the ability to meet the requirements of this Chapter without hiring a local property management company.

§155.08 Inspections.

The Town shall have the authority and the duty to inspect properties subject to this Chapter for compliance and to issue citations for any violations. The Town shall have the discretion to determine when and how such inspections are to be made, provided that their policies are reasonably calculated to ensure that this Chapter is enforced.

§155.09 Enforcement; Violations; and Penalties.

(A) It shall be unlawful for any Owner to be in violation of any of the provisions of this Chapter.

(B) Any person who violates a provision of this Chapter or fails to comply with any order made thereunder and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by appeal, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in this Chapter.

(C) The imposition of one penalty for any violation shall not excuse the violation, or authorize its continuance.

(D) All such persons shall be required to submit an acceptable plan of action to the Town Administrator within 10 business days of notification. This plan of action must include, but is not limited to, a description of the work to be done, by whom and a specific schedule. Plans shall be reviewed by the Board of Commissioners and work is to commence within 15 days of Board approval. When not otherwise specified, failure to meet any stated condition within 10 days of required action shall constitute a separate offense.

(E) Penalties for failure to comply:

(1) Initial Registration. Failure to initially register with the Town within the time frame required is punishable by a civil penalty of \$50.

- (2) Changes to Registration. Failure to report changes to registration information within time frame required is punishable by a civil penalty of \$50.
- (3) Annual Registration. Failure to register annually is punishable by a civil penalty of \$50.
- (4) Maintenance and Security Requirements. Failure to meet the maintenance and security requirements is punishable by a civil penalty of \$500.
- (5) Failure to submit plan. Failure to submit plan of corrective action is a violation punishable by a civil penalty of \$50.
- (6) Failure to implement plan. Failure to implement plan within 15 days of approval or complete it in a timely manner is a violation punishable by a civil penalty of \$500.

§155.10 Appeals.

Any person aggrieved by any of the requirements of this Chapter may present an appeal in writing to the Board of Commissioners.

§155.11 Severability.

Should any provision, section, paragraph, sentence or word of this Chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

§155.12 Preemption.

Except as specifically preempted by N.C.G.S. §160A-441, et. seq. § 160A-439 or town ordinances promulgated pursuant to N.C.G.S. §160A-439, et. seq., this Chapter shall apply to all Vacant Properties in the C-1 and C-2 zoning districts in the Town of Warrenton.

CHAPTER 156: Grease Trap Ordinance

Section

- 156.01 Intent and Scope**
- 156.02 Definitions**
- 156.03 General Requirements**
- 156.04 Construction Standards**

§155.01 Intent and Scope

STANDARDS AND REQUIREMENTS For Food Service Establishments Section 51.091 of the Town Of Warrenton Sewer Use Ordinance (SUO) prohibits the discharge to the Town Of Warrenton any waste containing floatable oils, fat or grease. Section 51.091 of the SUO further states that any waste capable of causing abnormal corrosion, abnormal deterioration, damage to or hazard to structures or equipment to the Sewerage System, or humans or animals or interference with proper operation of the Town Of Warrenton Wastewater Treatment Plant is prohibited. Food Service Establishments shall provide means of preventing grease and oil discharges to the Sewerage System. Where a grease and oil interceptor currently exists or is required by the Town Of Warrenton, it shall be maintained for continuous, satisfactory and effective operation by the owner, leaseholder or operator at his/her expense. Grease and oil interceptors shall be of a type and capacity. approved by the Town Of Warrenton and shall be located as to be readily accessible for cleaning and inspection.

§156.02 Definitions For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as follows:

Food Service Establishment: A facility discharging kitchen or food preparation wastewaters such as restaurants, motel, hotels, cafeterias, delicatessen, meat cutting preparation, bakeries, hospitals, schools, bars, or any other facility which in the Town' s discretion, -would require a gre4se trap installation by virtue of its operation.

Grease Interceptor/Grease Trap: A device utilized to effect the separation of grease and oils in wastewater effluent from a Food Service Establishment. Such traps or interceptors may be of the "outdoor" or underground type normally of a 1,000 gallon capacity or more, or the "under-

the-counter" package units which are typically less than 100 gallon capacity. :For the purpose of this definition, the words "trap" and "interceptor" are used interchangeably.

Interference: The inhibition or disruption of the Wastewater treatment processes or operations, or acts or discharges which may cause damage to any portion of the Sewerage System or which contribute to a violation of any requirement of a POTW's (Publicly Owned Treatment Works) NPDES (National Pollutant Discharge Elimination System) Permit The term includes Interference with Sewage sludge use ' or disposal in accordance with State or Federal criteria, guidelines or regulations or any State or Federal sludge management plan applicable to the method of disposal· or use employed by the Sewerage System.

§156.03 General Requirements

A All Food Service Establishments shall have grease-handling facilities approved by the Town Of Warrenton. Establishments whose grease-handling facilities or methods are not adequately maintained to prevent floatable oils, fat or grease from entering the sewerage system shall be notified in writing of any noncompliance and required to provide a schedule whereby corrections will be accomplished.

B. All Food Service Establishments grease-handling facilities shall be subject to review, evaluation, and inspection by the Town Of Warrenton representative during normal working hours. Results of inspections will be made available to facility owner, lease-holder or operator. The Town Of Warrenton may lend assistance and make recommendations for correction and improvement.

C. Food Service Establishment receiving two (2) consecutive unsatisfactory evaluations or inspections, may be subject to penalties or other corrective actions as provided from the Sewer Use Ordinance.

D. Food Service Establishments who continue to violate the Town Of Warrenton Grease Standards/Requirements may be considered grounds for discontinuance of sewer service.

E. Food Service Establishments whose operations cause or allow excessive grease to discharge or accumulate in the Town Of Warrenton collection system may be liable to the Town Of Warrenton for costs related to the Town Of Warrenton service calls for line blockages, line cleanings, line and pump repairs, etc. including all labor~ materials, and equipment. Failure to pay all service-related charge may also be grounds for water/sewer service discontinuance.

F. Regularly scheduled maintenance of grease-handling facilities is required to insure adequate operation. In the maintaining of these grease interceptors, the owner, lease-holder or operator shall be responsible for the proper removal and disposal of grease by appropriate means arid shall maintain on-site records of dates; and means of disposal. Records shall be maintained for a period-of three (3) years.

G. Any Food Service Establishment whose effluent discharge to the sewerage system is determined by the Town Of Warrenton to cause interference in the conveyance or operation of the sewerage system may be required to sample its grease trap discharge and have it analyzed for oil and grease at the expense of the owner, lease-holder or operator. Results of such analyses shall be reported to the Town Of Warrenton.

H. All grease traps interceptors shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of effluent wastewater discharged to the sewer.

I. Food Service Establishments shall adopt procedures for handling sources of floatable oils, fat or grease originating -within their facility. A notice shall be permanently posted at a prominent place in the facility advising employees of the procedures to be followed.

J. Food Service Establishments shall develop and implement a Waste Minimization Plan pertaining to the disposal of grease, oils and food particles. The Town Of Warrenton may render advice or make suggestions regarding the minimization of waste.

§156.04 Construction Standards

A. New Facilities

1. All new Food Service Establishments shall be required to install a grease interceptor, approved by the Town Of Warrenton. Grease interceptors shall be adequately sized, with no interceptor less than 1,000 gallons total capacity unless otherwise approved by the Town Of Warrenton.
2. No new Food Service Establishments will be allowed to initiate operations until grease handling facilities are installed and approved by the Town Of Warrenton.
3. All grease interceptors, whether singular or two tanks in series, must have each chamber directly accessible from the surface to provide means for servicing and maintaining the interceptor in working and operating condition. .
4. A basket, screen or other intercepting device shall prevent passage into the drainage system of solids Y2 inch or larger in size. The basket or device shall be removable for cleaning purposes.
5. Where food-waste grinders are installed, the waste from those units shall discharge .directly into the building drainage system without passing through a grease interceptor. All other fixtures and drains receiving kitchen or food preparation wastewaters shall pass through a grease interceptor.

B. Existing Facilities

1. All existing Food Service Establishments shall have grease-handling facilities, approved by the Town Of Warrenton. Food Service Establishments without any grease-handling facilities will be given a compliance deadline not to exceed six (6) months from date of notification to have approved and installed grease-handling equipment in compliance with this Standard. Failure to do so will be considered a violation of the Town Of Warrenton Sewer Use Ordinance and may subject the facility to penalties and corrective actions. Said installations shall meet the same requirements for design as for new facilities. (See Section A above).
2. In the event an existing Food Service Establishment's grease-handling facilities are either under -designed or substandard in accordance with this policy, the owner(s) will be notified in writing of the deficiencies and requirements improvements, and given a compliance deadline not to exceed six (6) months to conform with the requirements of this grease Standard.
3. For cases in which "outdoor" type grease interceptors are infeasible to install, existing Food Service Establishments will be required to install adequate and approved "under-the-counter" grease traps for use on individual fixtures including dishwashers, sinks, and other potentially grease-containing drains.
4. Sizing of "under-the-counter" grease trap units will be in accordance with recommended ratings for commercial grease traps, attached to this Standard. The grease retention capacity rating in pounds shall be at least two(2) times the GPM flow rate of the type fixture which it serves. Flow control fittings must be provided to the inlet side of all "under-the-counter" units to prevent overloading of the grease trap and to allow for proper operation.
5. Town Of Warrenton approval of flow control devices and grease trap design must be obtained prior to installation.
6. The location of "under-the-counter" units must be near the source of the wastewater as physically possible.
7. Wastewater from garbage grinders should not be discharged to grease traps/interceptors.
8. In maintaining grease traps interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Town Of Warrenton. (See Section 1 F.)
9. The exclusive use of enzymes, grease solvents, emulsifiers, etc. is not considered acceptable grease trap maintenance practice.

C. New Food Service Establishments in Existing Buildings

1. Where practical, new Food Service Establishments locating in existing buildings will be required to comply with the grease trap Standards applicable to new facilities. (See Section II.A).
2. Where physically impossible to install "outdoor" units, "under-the-counter" units may be allowed as with existing food service establishments provided prior approval of unit type, size, location, etc. is approved by the Town Of Warrenton. (See B.2. above).

CHAPTER 158: WATER SUPPLY CROSS CONNECTION CONTROL

Subsection

- 158.01 Introduction**
- 158.02 Objectives of ordinance**
- 158.03 Responsibilities**
- 158.04 Definitions**
- 158.05 Right of Entry**
- 158.06 Elimination of Cross Connections: Degree of Hazard**
- 158.07 Installation of Assemblies**
- 158.08 Testing and Repair of Assemblies**
- 158.09 Facilities Requiring Protection**
- 158.10 Connections with Unapproved Sources of Supply**
- 158.11 Fire Protection Systems**
- 158.12 Enforcement**
- 158.13 Adoption**

§158.01 Introduction

The purpose of this Cross Connection Control Ordinance is to define the authority of the Town of Warrenton or its contractor(s) as the water purveyor in the elimination of all cross connections within its public potable water supply.

This Ordinance shall apply to all users connected to the Town of Warrenton’s public potable water supply regardless of whether the user is located within the city limits or outside of the city limits.

This Ordinance will comply with the Federal, State and Local laws and regulations as they pertain to cross connections within the public water supply.

§158.02 Objectives of Ordinance

The specific objectives of the Cross Connection Control Ordinance for the Town of Warrenton are as follows:

- (a) To protect the public potable water supply of the Town of Warrenton against actual or potential contamination by isolating, within the consumer’s water system, contaminants or pollutants which could, under adverse conditions, backflow through uncontrolled cross connections into the public water system.
- (b) To eliminate or control existing cross connections, actual or potential, between the consumer’s potable water system(s) and nonpotable or industrial piping system(s).
- (c) To provide a continuing inspection program of cross connection control which will systematically and effectively control all actual or potential cross connections that may be installed in the future.

§158.03 Responsibilities

(A) Responsibilities: Health Agency

The North Carolina Department of Environment, Health and Natural Resources (Division of Health Services) has the responsibility for promulgating and enforcing laws, rules, regulations and policies to be followed in carrying out an effective Cross Connection Control Program.

The N.C. Division of Health Services also has the primary responsibility of insuring that the water purveyor operates the public potable water system free of actual or potential sanitary hazard, including unprotected cross connections. They have the further responsibility of insuring that the water purveyor provides an approved water supply at the service connection to the consumer’s water system and, further, that he requires the installation, testing and maintenance of an approved backflow prevention assembly on the service connection when required.

(B) Responsibility: Water Purveyor

Except as otherwise provided herein, the water purveyor's responsibility to ensure a safe water supply begins at the source and includes all of the public water distribution system, including the service connection, and ends at the point of delivery to the consumer's water system(s). In addition, the water purveyor shall exercise reasonable vigilance to insure that the consumer has taken the proper steps to protect the public potable water system. To insure that the proper precautions are taken, the Town of Warrenton or its contractor(s) is required to determine the degree of hazard or potential hazard to the public potable water system; to determine the degree of protection required; and to ensure proper containment protection through an on-going inspection program.

When it is determined that a backflow prevention assembly is required for the protection of the public system, the Town of Warrenton or its contractor(s) shall require the consumer, at the consumer's expense, to install an approved backflow prevention assembly at each service connection, to test immediately upon installation and thereafter at a frequency as determined by the Town of Warrenton or its contractor(s), to properly repair and maintain such assembly or assemblies and to keep adequate records of each test and subsequent maintenance and repair, including materials and/or replacement parts.

(C) Responsibility: Plumbing Inspections

The plumbing inspection department of Warren County has the responsibility to not only review building plans and inspect plumbing as it is installed; but, the explicit responsibility of preventing cross connections from being built into the plumbing system within its jurisdiction. Where the review of building plans suggests or detects the potential for cross connections being made an integral part of the plumbing system, the plumbing inspector has the responsibility, under the North Carolina Building Code, for requiring that such cross connections be either eliminated or provided with backflow prevention equipment approved by the North Carolina Building Code.

The plumbing inspector's responsibility begins at the point of delivery (downstream of the first installed backflow prevention assembly) and continues throughout the entire length of the consumer's water system. The plan inspector should inquire about the intended use of water at any point where it is suspected that a cross connection might be made or where one is actually called for by the plans. When such is discovered it shall be mandatory that a suitable, approved backflow prevention assembly approved by the North Carolina Building Code be required by the plans and be properly installed. The primary protection assembly for containment purposes only shall have approval from the Town of Warrenton or its contractor(s), the N.C. Building Code and the North Carolina Department of Environment, Health and Natural Resources.

(D) Responsibility: Consumer

The consumer has the primary responsibility of preventing pollutants and contaminants from entering his potable water system(s) or the public potable water system. The consumer's responsibility starts at the point of delivery from the public potable water system and includes all of his water system(s). The consumer, at his own expense, shall install, operate, test and maintain approved backflow prevention assemblies as directed by the Town of Warrenton or its contractor(s). The consumer shall maintain accurate records of tests and repairs made to backflow prevention assemblies and shall maintain such records for minimum period of three (3) years. The records shall be on forms approved by the Town of Warrenton or its contractor and shall include the list of materials or replacement parts used. Following any repair, overhaul, repiping or relocation of an assembly, the consumer shall have it tested to insure that it is in good operating condition and will prevent backflow. A certified backflow prevention assembly tester shall make tests, maintenance and repairs of backflow prevention assemblies.

(E) Responsibility: Certified Backflow Prevention Assembly Tester

When employed by the consumer to test, repair, overhaul or maintain backflow prevention assemblies, a backflow prevention assembly tester will have the following responsibilities:

- (1) The tester will be responsible for making competent inspections and for repairing or overhauling backflow prevention assemblies and making reports of such repair to the consumer and responsible authorities on forms approved by the Town of Warrenton or its contractor(s). The tester shall include the list of materials or replacement parts used. The tester shall be equipped with and be competent to use all the necessary tools, gauges, manometers and other equipment necessary to properly test, repair and maintain backflow prevention assemblies. It will be the tester's responsibility to insure that original manufactured parts are used in the repair of or replacement of parts in a backflow prevention assembly. It will be the tester's further responsibility not to change the design, material or operational characteristics of an assembly during repair or maintenance without prior approval of the Town of Warrenton or its contractor(s). A certified tester shall perform the work and be responsible for the competency and accuracy of all tests and reports. A certified tester shall provide a copy of all test and repair reports to the consumer and to the Town of Warrenton or its contractor(s) within ten (10) business days of any completed test or repair work. A certified tester shall maintain such records for a minimum period of three (3) years.

- (2) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment that has been evaluated and/or approved by the Town of Warrenton or its contractor(s). All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to Town of Warrenton or its contractor(s) as to such accuracy/calibration, employing a calibration method acceptable to Town of Warrenton or its contractor(s).
- (3) All certified backflow prevention assembly testers must become re-certified every two (2) years through an approved backflow prevention certification program.

§158.04 Definitions

Air-Gap Separation The term “air-gap separation” shall mean physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air-gap separation” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the receiving vessel in no case less than 1 inch (2.54 cm).

Approved The term “approved” as herein used in reference to a water supply shall mean a water supply that has been approved by the North Carolina Department of Environment, Health, and Natural Resources (Division of Health Services). The term “approved” is herein used in reference to air-gap separation, a pressure vacuum breaker, a double check valve assembly, a double check detector assembly, a reduced pressure principle backflow prevention assembly, a reduced pressure principle detector assembly or other backflow prevention assemblies or methods shall mean an approval by the Town of Warrenton or its contractor(s).

Backflow The term “backflow” shall mean the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the distribution pipes of the consumer or public potable water system from any source or sources.

Backflow Prevention Assembly-Approved The term “approved backflow prevention assembly” shall mean an assembly used for containment and/or isolation purposes that has been investigated and approved by the Town of Warrenton or its contractor(s) and has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE), the American Water Works Association (AWA), or the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California. The approval of backflow prevention assemblies by the Town of Warrenton or its contractor(s) is based on a favorable report by the Foundation for Cross Connection Control and Hydraulic

Research of the University of Southern California, recommending such and approval. (To be approved, an assembly must be readily accessible for in-line testing and maintenance.)

Backflow Prevention Device-Approved The term “approved backflow prevention device” shall mean a device used for isolation purposes that has been shown to meet the design and performance standards of the American Society of Sanitary Engineers (ASSE) and the American Water Works Association (AWWA).

Backflow Prevention Assembly-Unapproved The term “unapproved backflow prevention assembly” shall mean an assembly that has been investigated by the Town of Warrenton or its contractor’s and has been determined to be unacceptable for installation within the Town of Warrenton’s water system. Consideration for disapproval and removal from the “Approved List” shall be based upon, but not limited to, the following criteria:

- (1) Due to poor performance standards (i.e., significant failure rate)
- (2) Lack of or unavailability of repair parts; and/or
- (3) Poor service or response from assembly’s factory representative(s)

Backflow Prevention Assembly Type A “backflow prevention assembly” shall mean an assembly used to prevent backflow into a consumer or public potable water system. The type of assembly used should be based on the degree of hazard either existing or potential (as defined herein). The types are:

- (1) Double Check Valve Assembly (DCVA)
- (2) Double Check Detector Assembly (Fire System) (DCDA)
- (3) Pressure Vacuum Breaker (PVB)
- (4) Reduced Pressure Principle Assembly (RP)
- (5) Reduced Pressure Principle-Detect Assembly (Fire System) (RPDA)

Backflow Prevention Assembly Tester-Certified The term “certified backflow prevention assembly tester” shall mean a person who has proven their competency to the satisfaction of the Town of Warrenton or its contractor(s). Each person who is certified to make competent tests, or to repair, overhaul, and make reports on backflow prevention assemblies shall be knowledgeable of applicable laws, rules, and regulations, shall be a licensed plumber or have at least two (2) years experience under and be employed by a N.C. licensed plumber or plumbing contractor, or have equivalent qualifications acceptable to the Town of Warrenton or its contractor(s), and must

hold a certificate of completion from an approved training program in the testing and repair of backflow prevention assemblies.

Back Pressure Backflow “Back-Pressure backflow” shall mean any elevation in the consumer water system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of delivery, which would cause or tend to cause a reversal of the normal direction of flow.

Back-Siphonage Backflow “Back-siphonage backflow” shall mean a reversal of the normal direction of flow in the pipeline due to a negative pressure (vacuum) being created in the supply line with the backflow source subject to atmospheric pressure.

Check Valve Approved The term “approved check valve” shall mean a check valve that is drip-tight in the normal direction of flow when the inlet pressure is at least on (1) psi and the outlet pressure is zero. The check valve shall permit no leakage in a direction reversed to the normal flow. The closure element (e.g. clapper, poppet or other design) shall be internally loaded to promote rapid and positive closure. An approved check valve is only one component of an approved backflow prevention assembly i.e., pressure vacuum breaker, double check valve assembly, double check detector assembly, reduced pressure principle assembly or reduced pressure detector assembly.

Consumer The term “consumer” shall mean any person, firm or corporation using or receiving water from the Town of Warrenton’s water system.

Consumer’s Water System The term “consumer’s water system” shall include any water system commencing at the point of delivery and continuing throughout the consumer’s plumbing system, located on the consumer’s premise, whether supplied by public potable water or an auxiliary water supply. The system or systems may be either a potable water system or an industrial piping system.

Consumer’s Potable Water System The term “consumer’s potable water system” shall mean that portion of the privately owned potable water system lying between the point of delivery and point of use and/or isolation protection. This system will include all pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey, store or use potable water.

Containment The term “containment” shall mean preventing the impairment of the public potable water supply by installing an approved backflow prevention assembly at the service connection.

Contamination The term “contamination” shall mean an impairment of the quality of the water, which creates a potential or actual hazard to the public health, through the introduction of

hazardous or toxic substances or through the spread of disease by sewage, industrial fluids or waste.

Cross Connection A “cross connection” shall mean any unprotected actual or potential connection or structural arrangement between a public or a consumer’s water system and any other source or system through which it is possible to introduce any contamination or pollution, other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which “backflow” can or may occur are considered to be cross connections.

Double Check Valve Assembly The term “double check valve assembly” shall mean an assembly composed of two (2) independently acting, approved check valves, including tightly closing shut-off valves, attached at each end of the assembly and fitted with properly located test clocks. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

Double Check-Detector Assembly The term “double check-detector assembly” shall be a specially designed assembly composed of a line-size approved double check valve assembly with a specific bypass water meter and a meter-sized approved double check valve assembly. The meter shall registration for all rates of flow. This assembly shall only be used to protect against a non-health hazard (i.e., pollutant).

Hazard, Degree Of The term “degree of hazard” shall be derived from the evaluation of conditions within a system which can be classified as either a “pollutional” (no-health) or a “contamination” (health) hazard.

Hazard, Non-Health The term “health hazard” shall mean an actual or potential threat to the contamination of a physical, hazardous or toxic nature to the public or consumer’s potable water system to such a degree or intensity that there would be a danger to health.

Hazard, Non-Health The term “non-health hazard” shall mean an actual or potential threat to the quality of the public or the consumer’s potable water system. A non-health hazard is one that, if introduced into the public water supply system, could be a nuisance to water customers, but would not adversely affect human health.

Hazard, Pollutional The term “pollutional hazard” shall mean an actual or potential threat to the quality or the potability of the public or the consumer’s potable water system but which would not constitute a health or a system hazard, as defined. The maximum degree or intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Health Agency The term “health agency” shall mean the North Carolina Department of Environment, Health and Natural Resources (Division of Health Services) (NCDEHNR).

Industrial Fluids The term “industrial fluids” shall mean any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health or non-health hazard if introduced into a public or consumer potable water system. Such fluids may include, but are not limited to: process waters; chemicals in fluid form; acids and alkalis; oils, gases; etc.

Industrial Piping System-Consumer’s The term “consumer’s industrial piping system” shall mean any system used by the consumer for transmission of or to confine or store any fluid, solid or gaseous substance other than an approved water supply. Such a system would include all pipes, conduits, tanks, receptacles, fixtures equipment and appurtenances used to produce, convey or store substances that are or may be polluted or contaminated.

Isolation “Isolation” is the act of confining a localized hazard within a consumer’s water system by installing approved backflow prevention assemblies. Disclaimer: Town of Warrenton or it contractor(s) may make recommendations, upon facility inspection, as to the usages of isolation devices/assemblies, but does not assume or have responsibility whatsoever for such installations.

Point of Delivery “Point of delivery” shall generally be at the property line of the customer, adjacent to the public street where the Town of Warrenton’s mains are located, or at a point on the customer’s property where the meter is located. The customer shall be responsible for all water piping and control devices located on the customer’s side of the point of delivery.

Pollution The term “pollution” shall mean an impairment of the quality of the water to a degree, which does not create an actual hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use.

Potable Water The term “potable water” shall mean water from any source which has been investigated by the North Carolina Department of Environment, Health and Natural Resources (Division of Health Services) and which has been approved for human consumption.

Public Potable Water System The term “public potable water system” shall mean any publicly or privately owned water system operated as a public utility, under a current North Carolina Department of Environment, Health, and Natural Resources permit, to supply water for public consumption or use. This system will include all sources, facilities, and appurtenances between the source and the point of delivery such as valves, pumps, pipes, conduits, tanks, receptacles, fixtures, equipment and appurtenances used to produce, convey treat or store potable water for public consumption or use.

Reduced Pressure Principle Backflow Prevention Assembly The term “reduced pressure principle backflow prevention assembly” shall mean an assembly containing within it structure a

minimum of two (2) independently acting, approved check valves, together with a hydraulically operating, mechanically independent, pressure differential relief valve located between the check valves and at the same time below the first check valve. The first check valve reduces the supply pressure a predetermined amount so that during normal flow and at cessation of normal flow, the pressure between the checks shall be less than the supply pressure. In case of leakage of either check valve, the pressure differential relief valve, by less than the supply pressure. The unit shall include tightly closing shut-off valves located at each end of the assembly and each assembly shall be fitted with properly located test cocks. The assembly is designed to protect against a health hazard (i.e., contaminant).

Reduced Pressure Principle-Detector Assembly The term “reduced pressure principle-detector assembly” shall mean a specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a specific bypass water meter and a meter-sized approved reduced pressure principle backflow prevention assembly. The meter shall register (in U.S. gallons) accurately for only very low rates of flow and shall show a registration for all rates of flow. This assembly shall be used to protect against health hazard (i.e., contaminant).

Service Connections The term “service connection” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town of Warrenton loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system.

Vacuum Breaker-Atmospheric Type The term “atmospheric vacuum breaker” shall mean the terminal end of a service connection from the public potable water system, i.e., where the Town of Warrenton or its contractor(s) loses jurisdiction and sanitary control over the water at its point of delivery to the consumer’s water system.

Vacuum Breaker-Pressure Type The term “pressure vacuum breaker” shall mean an assembly containing an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. The assembly is to be equipped with properly located test cocks and tightly closing shut-off valves attached at each end of the assembly. This assembly is designed to protect against a health hazard (i.e., contaminant) under a back-siphonage condition only.

Water Purveyor The term “water purveyor” shall mean the owner or operator of a public potable water system, providing an approved water supply to the public.

Water Supply-Approved The term “approved water supply” shall mean any public potable water supply that has been investigated and approved by the North Carolina Department of Environment, Health and Natural Resources. The system must be operating under a valid health permit. In determining what constitutes an approved water supply, the North Carolina Division of Health Services has reserved the final Judgment as to its safety and portability.

Water Supply-Auxiliary The term “auxiliary water supply” shall mean any water supply on or available to the premises other than the purveyor’s approved public potable water supply. These auxiliary water may include water from another purveyor’s public water supply. These auxiliary water may include water from another purveyor’s public water supply or any natural source such as well, spring, river, stream, etc., “used water”, or industrial fluids. These waters may be polluted, contaminated, or objectionable and constitute an unacceptable water source over which the water purveyor does not have sanitary control.

Water Supply-Unapproved The term “unapproved water supply” shall mean a water supply which has not been approved for human consumption by the North Carolina Department of Environment, Health and Natural Resources.

Water-Used The term “used water” shall mean any water supplied by a water purveyor from a public water system to a consumer’s water system after it has passed through the point of delivery and is no longer under the control of the water purveyor.

This Ordinance is gender neutral and the masculine gender shall include the feminine and vice versa. Shall is mandatory, may is permissive and discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

§158.05 Right of Entry

Authorized representative(s) from Town of Warrenton or its contractor(s) shall have the right to enter, upon presentation of proper credentials and identification, any building, structure or premises during normal business hours, or at any time during the event of an emergency, to perform any duty imposed by this Ordinance. Those duties may include sampling and testing of water or inspections and observations of all piping systems connected to the public water supply. Where a user has security measures in force that would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with the security guards so that, upon presentation of suitable identification, Town of Warrenton or its contractor(s) personnel will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Refusal to allow entry for these purposes may result in discontinuance of water service.

On request, the consumer shall furnish to the Town of Warrenton or its contractor(s), any pertinent information regarding the water supply system on such property where cross connections and backflow are deemed possible.

§158.06 Elimination of Cross Connections: Degree of Hazard

When cross connections are found to exist, the owner, his agent, occupant or tenant will be notified in writing to disconnect the same within the time limit established by the Town of Warrenton or its contractor(s). Degree of protection required and maximum time allowed for compliance will be based upon the potential degree of hazard to the public water supply system. The maximum time limits are as follows:

(A) Cross connections with private wells or other auxiliary water supplies-immediate disconnection.

(B) All facilities that pose a health hazard to the potable water system must have a containment assembly in the form of a reduced pressure principle backflow prevention assembly within 60 days.

(C) All industrial and commercial facilities not identified, as a “health hazard” shall be considered non-health hazard facilities. All non-health hazard facilities must install, as a minimum containment assembly, a double check valve assembly within 90 days.

(D) If, in the judgment of Town of Warrenton or its contractor(s), an imminent health hazard exists, water service to the building or premises where a cross connection exists may be terminated unless an air gap is immediately provided, or the cross connection is immediately eliminated.

(E) Based upon recommendation from the Town of Warrenton or its contractor(s), the consumer is responsible for installing sufficient internal isolation backflow prevention assemblies and/or methods (i.e., air gap, pressure vacuum breakers, reduced pressure principle backflow prevention assembly, double check valve assembly).

(F) Water mains served by the Town of Warrenton but not maintained by the Town of Warrenton or its contractor(s) should be considered cross connections, with degree of hazard to be determined by Town of Warrenton or its contractor(s). Degree of protection shall be based upon the degree of hazard as determined by Town of Warrenton or its contractor(s). Degree of protection shall be based upon the degree of hazard, as determined by Town of Warrenton or its contractor(s).

(G) In the event that a Town of Warrenton or its contractor(s) does not have sufficient access to every portion of private water system (i.e., classified research and development facilities; federal government property) to allow a complete evaluation of the degree of hazard associated with such private water systems, an approved reduced pressure principle assembly shall be required as a minimum of protection.

(H) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals or their residues from the public water system except at a location equipped with

an air gap or an approved reduced pressure principle backflow prevention assembly properly installed on the public water supply.

§158.07 Installation of Assemblies

(A) All backflow prevention assemblies shall be installed in accordance with the specifications furnished by the Town of Warrenton or its contractor(s) and/or the manufacturer’s installation instructions an or in the latest edition of the North Carolina Building Code, whichever is most restrictive.

(B) All new construction plans and specifications, when required by the North Carolina Building Code and the North Carolina Division of Health and Human Services (NCDHHS), shall be made available to the Town of Warrenton or its contractor(s) for review and approval, and to determine the degree of hazard.

(C) Ownership, testing and maintenance of the assembly shall be the responsibility of the customer.

(D) All double check valve assemblies must be installed in drainable pits wherever below ground installation is necessary, in accordance with detailed specifications provided by the Town of Warrenton or it contractor(s).

(E) Reduced pressure principle assemblies must be installed in horizontal position and in a location in which no portion of the assembly can become submerged in any substance under any circumstances (pit and/or below grade installations are prohibited).

(F) Double check valve assemblies may be installed in a vertical position with prior approval from the Town of Warrenton or its contractor(s) provided the flow of water is in an upward direction.

(G) The installation of a backflow prevention assembly that is not approved must be replaced with an approved backflow prevention assembly.

(H) The installer is responsible to make sure a backflow prevention assembly is working properly upon installation and is required to furnish the following information to the Town of Warrenton or its contractor(s) within fifteen (15) days after a reduced pressure principle backflow preventer (RP), double check-detector assembly (DCDA), pressure vacuum breaker (PVB), double check-detector assembly (DCDA) or reduced pressure principle detector assembly (RPDA) is installed:

- (1) service address where assembly is located
- (2) owner (and address, if different from service address)
- (3) description of assembly’s location
- (4) date of installation

- (5) installer (include name, plumbing company represented, plumber’s license number and project permit number)
- (6) type of assembly, size of assembly
- (7) manufacturer, model number, serial number
- (8) test results/reports

(I) When it is not possible to interrupt water service, provisions shall be made for a “parallel installation” of backflow prevention assemblies. The Town of Warrenton or its contractor(s) will not accept an unprotected bypass around a backflow preventer when the assembly is in need of testing, repair, or replacement.

(J) The consumer shall, upon notification, install the appropriate containment assembly not to exceed the following time frame:

Health Hazard 60 days

Non-Health Hazard 90 days

(K) Following installation, all RP< DCVA, PVB, DCDA and RPDA are required to be tested by a certified backflow prevention assembly tester with ten (10) days.

§158.08 Testing and Repair of Assemblies

(A) Testing of backflow prevention assemblies shall be made by certified backflow prevention assembly tester at the customer’s expense. Such test are to be conducted upon installation and annually thereafter or at a frequency established by the Town of Warrenton or its contractor(s). A record of all testing and repairs is to be retained by the customer. Copies of the records must be provided to the Town of Warrenton or its contractor(s) within ten (10) business days after the completion of any testing and/or repair work.

(B) Any time that repairs to backflow prevention assemblies are deemed necessary, whether through annual or required testing or routine inspection by the owner or by the Town of Warrenton or its contractor(s), these repairs must be completed within a specified time in accordance with the degree of hazard. In no case shall this time period exceed:

(1) Health Hazard Facilities: 14 days

(2) Non-Health Hazard Facilities: 21 days

(C) All backflow prevention assemblies with test cocks are required to be tested Annually or at a frequency established by Town of Warrenton or its contractor(s). Testing requires a water shutdown usually lasting five (5) to twenty (20) minutes. For facilities that require an uninterrupted supply of water, and when it is not possible to provide water service from two separate meters, provisions shall be made for a “parallel installation” of backflow prevention assemblies.

(D) All certified backflow prevention assembly testers must obtain and employ backflow prevention assembly test equipment, which has been evaluated and /or approved by the prevention assembly test equipment, which has been evaluated and/or approved by the Town of Warrenton or its contractor(s). All test equipment shall be registered with the Town of Warrenton or it contractor(s). All test equipment shall be checked for accuracy annually (at a minimum), calibrated, if necessary, and certified to the Town of Warrenton or its contractor(s) as to such accuracy/calibration, employing a calibration method acceptable to the Town of Warrenton or its contractor(s) (See Section 3).

(E) It shall be unlawful for any customer or certified tester to submit any record to the Town of Warrenton or it contractor(s) that is false or incomplete in any material respect. It shall be unlawful for any customer or certified tester to fail to submit to the Town of Warrenton or its contractor(s) any record that is required by this Ordinance. Such violations may result in any of the enforcement actions outlined in Section 3 of this Ordinance.

§158.09 Facilities Requiring Protection

Approved backflow prevention assemblies shall be installed on the service line to any premises that the Town of Warrenton or it contractor(s) has identified as having a potential for backflow.

The following types of facilities or services have been identified by the Town of Warrenton or its contractor(s) as having a potential for backflow of non-potable water into the public water supply system. Therefore, an approved backflow prevention assembly will be required on all such services according to the degree of hazard present. Other types of facilities or services not listed below may also be required to install approved backflow prevention assemblies if determined necessary by the Town of Warrenton or its contractor(s). As a minimum requirement, all new commercial services will be required to install a Double Check Valve Assembly, unless otherwise listed below.

- DCVA Double Check Valve Assembly
- RP Reduced Pressure Principle Assembly

DCDA	Double Check Detector Assembly
RPDA	Reduced Pressure Detector Assembly
AG	Air Gap
PVB	Pressure Vacuum Breaker

1. Aircraft and Missile Plants: RP
2. Automotive Services Station, Dealerships, Etc.: RP
3. Automotive Plants: RP
4. Auxiliary Water Systems:
 - a. Approved Public/ Private Water Supply: RP
 - b. Unapproved Public/Private Water Supply: AG
 - c. Used Water and Industrial Fluids: RP
5. Bakeries
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
6. Beauty Shops/Barber Shops: RP
7. Beverage Bottling Plants: RP
8. Breweries: RP
9. Buildings Hotels, apartment houses, public and private buildings, or other structures having unprotected cross connections: RP
10. Canneries, packing houses, and rendering plants: RP
11. Chemical plants Manufacturing, processing, compounding or treatment: RP
12. Chemically contaminated water systems: RP
13. Commercial car-wash facilities: RP
14. Commercial greenhouses: RP
15. Commercial sales establishments (department stores, malls, etc.)
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
16. Concrete/asphalt plants: RP
17. Dairies and cold storage plants: RP
18. Dye works: RP
19. Film laboratories: RP
20. Fire system:
 - a. No Health Hazard: DCVA
 - b. Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.): RPDA
- Systems $\frac{3}{4}$ " (inch) to 2" (inch):
 - a. No Health Hazard: DCVA
 - b. Health Hazard (Booster Pumps, Foam, Antifreeze Solution, etc.): RPDA
- Systems 2 $\frac{1}{2}$ " (inch) to 10" (inch) (or larger)
 - a. No Health Hazard: DCVA
 - b. Health Hazard (Booster Pumps, Foam, Antifreeze Solutions, etc.): RPDA
21. Hospitals, medical building, sanitariums, morgues, mortuaries, autopsy Facilities, nursing and convalescent homes, medical clinics, and veterinary hospitals: RP
22. Industrial facilities:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
23. Laundries: RP
24. Lawn irrigation systems (split taps): RP
25. Metal manufacturing, cleaning, processing, and fabricating plants: RP
26. Mobile home parks:
 - a. No Health Hazard: DCVA
 - b. Health Hazard: RP
27. Oil and gas production, storage or transmission properties: RP

28. Paper and paper products plants: RP
29. Pest control (exterminating and fumigation): RP
30. Plating Plant: RP
31. Power Plants: RP
32. Radioactive materials or substances-plants or facilities handling: RP
33. Restaurants:
 - a. No Health Hazard: DCDA
 - b. Health Hazard: RP
34. Restricted, classified or other closed facilities: RP
35. Rubber plants (natural or synthetic): RP
36. Sand and gravel plants: RP
37. Schools and colleges: RP
38. Sewage and storm drain facilities: RP
39. Swimming Pools: RP
40. Waterfront facilities and industries: RP

All Assemblies and installations shall be subject to inspection and approval by the Town of Warrenton or its contractor(s).

§158.10 Connections With Unapproved Sources of Supply

(A) No person shall connect or cause to be connected any supply of water not approved by the North Carolina Department of Environment, Health and Natural Resources to the water system supplied by the Town of Warrenton. Any such connections allowed by the Town of Warrenton must be in conformance with the backflow prevention requirements of the Ordinance.

(B) In the event of contamination or pollution of a public or consumer potable water system, the consumer shall notify the Town of Warrenton or its contractor(s) immediately in order that appropriate measures may be taken to overcome and eliminate the contamination or pollution.

§158.11 Fire Protection Systems

(A) All connection for fire protection systems connected with the public water system, two (2) inches and smaller, shall be protected with an approved double check valve assembly as a minimum requirement. All fire systems using toxic additives or booster pumps shall be protected by an approved reduced pressure principle assembly at the main service connection.

(B) All connections for fire protection systems connected with the public water system, greater than two (2) inches, shall be protected with an approved double check detector assembly as a minimum requirement. All fire protection systems using toxic or hazardous additives or booster pumps shall be protected by an approved reduced pressure principle detector assembly at the main service connection.

(C) All existing back flow prevention assemblies, two and one-half (2 ½) inches and larger, installed on fire protection systems (that were initially approved by the Town of Warrenton or its

contractor(s)) shall be allowed to remain on the premises, as long as they are being properly maintained, tested and repaired as required by this Ordinance. If, however, the existing assembly must be replaced (once it can no longer be repaired), or in the event of proven water theft through an unmetered source, the consumer shall be required to install an approved double check detector assembly or reduced pressure principle detector assembly as required by this provision.

§158.12 Enforcement

(A) The owner, manager, supervisor or person in charge of any installation found not to be in compliance with the provisions of this Ordinance shall be notified in writing with regard to the corrective actions(s) to be taken. The time for compliance shall be in accordance with Section 155.006.

(B) The owner, manager, supervisor or person in charge of any installation which remains in non-compliance after the time prescribed in the initial notification, as outlined in Section 155.006, shall be considered in violation of this Ordinance and may be issued a civil citation by the Town of Warrenton or its contractor(s). Said citation shall specify the nature of the violation and the provision(s) of this Ordinance violated, and further notify the offender that the civil penalty for said violation is as set forth in paragraph (3) below and is to be paid to the Town of Warrenton at 119 E. Market St., NC, within thirty (30) days. If the penalty prescribed herein is not paid within the time allowed, the Town of Warrenton may initiate a civil action in the nature of a debt and recover the sums set forth in paragraph (3) below plus the cost of the action.

(C) Any offender who shall continue any violation beyond the time limit provided for in the aforementioned notification shall be subject to a civil penalty of up to \$1000.00 per violation. Each day in which a violation of any provision of this Ordinance shall occur or continue shall constitute a separate and distinct offense.

(D) If, in the judgment of Town of Warrenton or its contractor(s), any owner, manager, person in charge of any installation found to be in non-compliance with the provisions of this Ordinance, neglects their responsibility to correct any violation, it may result in discontinuance of water service until compliance is achieved.

(E) Failure of a customer or certified tester to submit any record required by this Ordinance, or the submission of falsified reports/records may result in a civil penalty of up to \$1000.00 per violation. If a certified backflow prevention assembly tester submits falsified records to Town of Warrenton or its contractor(s), the Town of Warrenton or its contractor(s) shall take the necessary actions to permanently revoke certification to test backflow prevention assemblies within the potable water system in addition to a civil penalty (as stated herein).

(F) Enforcement of this ordinance shall be administered by the Town of Warrenton or its contractor(s).

(G) Requests for extension of time shall be made in writing to the Town of Warrenton or its contractor(s). All other appeals shall be made in accordance with the following procedures:

- (1) Appeals. A customer assessed a civil penalty under this section shall have the right to appeal before the Board of Commissioners upon making written demand, identifying the specific issues to be contended, to the Town of Warrenton within 30 days following notice of final decision to assess a civil penalty. Unless such demand is made within the time specified herein, the decision on the civil penalty assessment shall be final and binding. The Board of Commissioners shall make a decision on the appeal within 90 days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.
- (2) Official Record. When a final decision is issued under Section (A) above, the Board of Commissioners shall prepare an official record of the decision that includes:
 - (i) A copy of the official minutes for all meetings related to its decision.
 - (ii) A copy of all documentary evidence reviewed.
 - (iii) A copy of the final decision of the Board of Commissioners.
- (3) Any customer against whom a final decision of the Board of Commissioners is entered, pursuant to Section (B) above, may appeal the order or decision by filing a written petition for judicial review within 30 days after receipt of notice by certified mail of the order or decision to the General Court of Justice of Warren County or of the county where the order or decision is effective, along with a copy to the Town of Warrenton.
- (4) Within 30 days after receipt of the copy of the petition of judicial review, the Town of Warrenton shall transmit to the reviewing court the originator, or a certified copy of the official record, as outlined in Section (B) above.

Adopted this _____ day of _____ 2008.

§158.14 Cross Connection Control Ordinance Enforcement Policy

Failure of a customer or certified tester to submit any record required by this Ordinance, or the submission of falsified reports/records may result in a civil penalty of up to \$1000.00 per violation as prescribed by current policy.

Failure to submit reports/records as required by the Cross Connection Control Ordinance:

- 1st OffenseReminder/Warning by Certified Mail
- 2nd Offense Civil Penalty of \$50.00
- Additional OffensesCivil Penalty of \$50.00 x # of Offenses Up to \$1000.00

Submission of falsified reports/records as required by the Cross Connection Control Ordinance:

(If backflow prevention device protection is not interrupted.)

- 1st OffenseReminder/Warning by Certified Mail
- 2nd Offense Civil Penalty of \$50.00
- Any Other Offense Civil Penalty of \$1000.00

TABLE OF SPECIAL ORDINANCES

Table

I. ANNEXATIONS

II. FRANCHISES

III. ZONING MAP CHANGES

TABLE I: ANNEXATIONS

<i>Ord. Passed</i>	<i>Description</i>
5-11-1981	Annexing certain territory: Area I, beginning at a point where the center line of Ridgeway Street intersects with the existing corporate limits, being located northwest of Warrenton along US 401 and 158 Area II, beginning at a point where the center line of Franklin Street (SR 1001) intersects with the existing corporate limits, being located west of Warrenton along Franklin Street
3-26-1990	Annexing certain territory, beginning at a new iron stake located in the southern property line of property owned by Byrd’s Food Stored, Inc., which is a point where the Warrenton city limits intersect said property line
6-1-2006	Annexing certain territory, in and around Haley Street. Recorded in Book 855, Page 291-294 in the Warren County Register of Deeds.
6-1-2006	Annexing certain territory, in and around Ridgecrest Drive. Recorded in Book 855, Page 295-298 in the Warren County Register of Deeds.
6-1-2006	Annexing certain territory, in and around West Hwy 401 of the current Town limits. Recorded in Book 855, Page 299-302 in the Warren County Register of Deeds.
6-13-2011	Annexing Warrenton Cemetery, Warrenton Water Plant, and Warrenton Waste Water Treatment Plant. Recorded in Book 1010, Page 727-732 in the Warren County Register of Deeds.
6-30-2012	Annexing certain territory, by voluntary petition – State Employees Credit Union building lot on Ridgeway Street on the edge of Town limits. Recorded in Book 1010, Page 733-735 in the Warren County Register of Deeds.

TABLE II: FRANCHISES

<i>Ord. Passed</i>	<i>Description</i>
3-11-96	Granting a cable TV franchise to Henderson Community Antenna TV, Inc. dba Adelpia Cable Communications for a term of 15 years
10-13-97	Granting a natural gas franchise to Frontier Utilities of North Carolina, Inc., for a term of 20 years

TABLE III: ZONING MAP CHANGES

<i>Ord. Passed</i>	<i>Description</i>
7-17-95	Rezoning certain territory, beginning at a new iron stake located in the west margin of the right-of-way for U.S. Highway 401 and in the southern property line of the heirs of John Boyd Davis, from R-8 to C-2
12-11-95	Rezoning certain territory, beginning at a new iron stake located in the west margin of the right-of-way for U.S. Highways 158/401 and in the northeast corner of PSNC Propane Property, from R-8 to C-2
9-9-96	Rezoning certain territory, beginning at a point at the intersection of SR 1600 and West Street, from R-8 to C-2
2-8-99	Rezoning certain territory, beginning at an existing iron stake located in the west margin of the right-of-way for U.S. Highways 158/401 and the northeast corner of Jean H. Clayton Property, from R-8 to C-2 and authorizing a special use permit for a manufactured home as an office at the new business location

PARALLEL REFERENCES

References to North Carolina General Statutes

References to 1963 Code

References to Resolutions

References to Ordinances

REFERENCES TO NORTH CAROLINA GENERAL STATUTES

<i>N.C.G.S. Cite</i>	<i>Code Secion</i>
1-54.1	151.009
14-4	34.99, 50.99, 90.99
14-4(a)	130.99
14-132	130.04
18B-101	130.06
20-141	Ch. 73, Sched. I
Ch. 47A	151.005
90-86 – 90-113.8	130.07
105-109(d)	110.00
110-85 <i>et seq.</i>	151.113
160-249	51.075
Ch. 160A, Art. 19	151.110
Ch. 160A, Art. 19, Part 3	151.001
160A-175	10.99
160A-207	110.11
160A-360	151.004
160A-362	33.01
160A-364.1	151.009
160A-385	151.114
160A-386	151.114
168, Article 3	151.045
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<i>1963 Code Section</i>	<i>2000 Code Section</i>
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Date Passed

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3-13-95

150.01

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WARRENTON
North Carolina

PERSONNEL MANUAL

THE TOWN OF WARRENTON PERSONNEL POLICY

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BE IT RESOLVED by the Board of Commissioners of the Town of Warrenton, North Carolina that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the Town of Warrenton

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POLICY

The employment relationship between the Town and the employee is terminable at the will of either at any time, with or without cause and with or without notice. No employee, officer or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or other provisions in these policies. Any exception to this policy of "at will" employment must be expressly authorized in writing, approved by the Town Board, and executed by the officers designated by the Town Board.

None of the benefits or policies set forth herein are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town. The contents of this document and procedure herein are presented as a matter of information. They are not conditions of employment.

These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the Town, with or without cause and with or without advance notice.

ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose

The purpose of these policies is to establish a personnel system that will recruit, select, develop and maintain an effective and responsible work force. These policies are established under the authority of Chapter 160A, Article 7 of the General Statutes of North Carolina.

Section 2. Application of Policies, Rules and Regulations

The Personnel Policy and all rules and regulations adopted pursuant thereto shall be binding on all Town employees. The Town Administrator, Town Attorney, The Mayor, members of the Board of Commissioners and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this Policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

The Town Administrator shall be included and covered by the provisions of the following Articles and Sections:

Article 1, Section 4; Article 4, Section 1, 3, 4, 5, 6, 7, 8, 10, 12; Article V, Section 12, 15; Article VI; Article VII, Section 3, 4, 6, 7, 10, 11, 13, 14, 15; Article XI; Article XII.

Section-3. Definitions

Adverse Action. A demotion, dismissal, reduction-in-pay, layoff, suspension, or undesirable transfer.

Completed Year. A period of twelve (12) calendar months in which the employee is in active pay status or is receiving Worker's Compensation payments while on leave without pay.

Full-time Employee. An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the Town Board as full-time.

Grievance. A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.

Probationary Employee. A person appointed to a budgeted position who has not completed the probationary period.

Probationary Period. The initial six (6) months (12 months for Sworn Law Enforcement Officers) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months (18 months for Sworn Law Enforcement Officers).

Part-time Employee. An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the Town Board as full-time

Regular Employee. An employee who has successfully completed the prescribed probationary period shall be considered regular. However, all Town positions are subject to budget review and approval each year by the Town Board, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to regular employees or regular positions should not be construed as a contract or right to perpetual funding or employment.

Temporary Employee. A person appointed to serve in a position for a defined time period, usually less than six months but may not exceed twelve months.

Section 4. Merit Principle

The purpose of this policy and the rules and regulations set forth is to establish a fair and uniform system of modern personnel administration for all employees of the Town. The Town shall embrace the following merit system principles in administering its personnel program:

Applicants and employees shall be assured of fair treatment in all aspects of personnel administration without regard to age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

- (a) Individuals shall likewise be treated with proper regard for their privacy and constitutional rights as citizens.
- (b) Employees shall be recruited, selected, trained, and advanced on the basis of their ability, knowledge, skill, and performance.
- (c) Employees shall be retained on the basis of the adequacy of their performance. They shall be guided in ways to correct inadequate performance and separated when inadequate performance cannot be corrected.
- (d) Employees shall be protected against coercion or partisan political purposes.

- (e) Employees may receive equitable and adequate pay and benefits and eligible employees may receive merit pay increases based upon their performance subject to the availability of funds.

Section 5. Responsibility of Town Board

The Town Board shall be responsible for establishing and approving personnel policies and rules, including the classification and pay plan. The Town Board may also make changes to the policies and benefits as necessary. The Town Board shall make and confirm appointments when so specified by the general statutes.

The Town Board will adopt or provide for rules and regulations, resolutions or ordinances concerning personnel policies and other measures that promote the hiring and retention of capable, diligent, and honest employees under the authority of Chapter 160A-164 of the North Carolina General Statutes, to be administered by the Town Board. The Town Board will prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the Town.

Section 6. Responsibility of the Town Administrator

The Town Administrator shall be responsible for assisting in the preparation and maintenance of the position classification plan and the pay plan and shall perform such other duties in connection with a modern personnel program as are required. The Town Administrator shall serve as the Town's Personnel Officer pursuant to N.C.G.S § 160A-162(a). All matters dealing with personnel shall be routed to the Town Administrator, who shall maintain a complete system of personnel files and records. The Town Administrator may perform any or all of these duties and responsibilities and may assign the clerical matters to a staff employee. The Town Administrator shall perform such other duties as may be assigned by the Board of Commissioners not inconsistent with this Policy.

Section 7. Responsibility of Department Heads

The head of each Town department, with the approval of the Town Administrator, shall appoint, suspend and remove Town officers or employees assigned to their department. The head of each Town department shall recommend to the Town Administrator the employment of an application, suspension of and/or termination of Town officers or employees assigned to his/her department.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Adoption

The position classification plan, as amended from time to time, is hereby adopted as the position classification plan for the Town.

Section 2. Allocation of Positions

The Town Administrator shall allocate each position covered by the classification plan to its appropriate class in the plan.

Section 3. Administration of the Position Classification Plan

The Town Administrator shall be responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department Heads shall be responsible for bringing to the attention of the Town Administrator (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing position.

When the Town Administrator finds that a substantial change has occurred in the nature or level of duties and responsibilities of an existing position, the existing class specification shall be revised or reallocated to the appropriate class within the existing classification plan, or the position classification plan shall be amended establishing a new class to which the position may be allocated.

Section 4. Amendment of Position Classification Plan

Classes of positions shall be added and deleted from the position classification plan by the Town Administrator. All changes to the position classification plan shall be submitted to the Town Board for approval. N.C.G.S. § 160A-162.

ARTICLE III. RECRUITMENT AND EMPLOYMENT

Section 1. Statement of Equal Employment Opportunity

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicants' qualifications for the job and award, with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

The Town's intent is to create and maintain an environment that is respectful of fairness and equity for employees, applicants and customers and ensure compliance with State and Federal laws.

Section 2. Implementation of EEO Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

Notices with regard to equal employment matters shall be posted in conspicuous places within Town-buildings where notices are customarily posted.

Section 3. Recruitment

All opportunities for employment shall be publicized, including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies shall be posted at designated conspicuous sites within Town buildings. Individuals shall be recruited from a geographic area as wide as is necessary to insure that well qualified applicants are obtained for Town service.

Section 4. Job Announcements

Employment announcements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

Section 5. Applications for Employment

All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment when a position is vacant or when the Town is advertising to fill such positions.

Section 6. Applications Kept on File

All applications received for each vacancy posted shall be retained for a period of 2 years in accordance with records retention policy.

Section 7. Qualifications Standards

- 1) Employees shall meet the employment standards established by the position classification plan and such other reasonable, job-related minimum standards of character, aptitude, knowledge, skills, abilities, and physical condition, as may be established by the Town Administrator with the advice and recommendation(s) of Department Heads.
- 2) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- 3) The Town may employ an applicant in a trainee capacity who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.

Section 8. Selection

Department Heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience knowledge and skills, character, physical fitness, and other qualifications required for positions in the service of the Town. All selection devices administered by the Town, or by persons or agencies for the Town, shall be valid measurers of job requirements.

Section 9. Appointments

It is the Town's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that applicant shall be appointed to that position. However, if other applicants possess comparable qualifications and if the Town would continue any historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, then the Town must carefully consider the qualifications of other applicants in filling this position.

ARTICLE IV. CONDITIONS OF EMPLOYMENT

Section 1. Work Period

The work period is defined as seven consecutive days. Full-time, non-exempt, employees (other than law enforcement shift employees) normally work five (5) eight (8) hour days per work period and are subject to the overtime provisions set forth in Article IV, Section 9 of these policies. Law Enforcement employee's work schedule(s) will be established and maintained in accordance with FLSA and work periods will be set as 28 consecutive days. Non-exempt police officers, regardless of rank, are subject to overtime after 171 hours of work over 28 consecutive days.

Exempt employees in administrative, professional or managerial positions shall work the number of hours necessary to assure the satisfactory performance of their duties.

When the activities of a particular department require some other schedule to meet work needs, the Town Administrator may authorize a deviation from the normal schedule.

Section 2. Volunteer Services

The Town encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that such volunteer activities do not interfere with the employee's responsibilities in their Town service. However, no employee will be required or will be allowed to volunteer his or her time to the Town to perform the same or similar work performed as a regular employee.

Section 3. Safety

It is the intent of the Town to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:

- 1) Providing safe work procedures and environments;
- 2) Implementing safety policies and programs;
- 3) Informing and training employees in safe work habits;
- 4) Detecting and correcting unsafe practices and conditions;
- 5) Investigating accidents and preparing accident reports;
- 6) Encouraging employees to report unsafe conditions and to submit safety suggestions.

Likewise, each Town employee shall be responsible for:

- 1) Developing and maintaining safe work habits;
- 2) Promptly reporting all accidents and injuries;
- 3) Pointing out what are believed to be dangerous practices and working conditions;
- 4) Assisting with investigations of accidents;
- 5) Taking proper care of safety equipment;
- 6) Wearing proper clothing and avoiding loose sleeves, cuffs, -rings, bracelets and long hair around moving machinery; and,
- 7) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire.

In addition to the above provisions, the Town will maintain a safety manual which details safety related procedures and responsibilities. Employees shall be expected to comply with those provisions.

Section 4. Ethics Policy and Procedure

1) POLICY AND PURPOSE

The purpose of this policy is to establish a standard of ethical behavior and conduct for all employees of the Town of Warrenton. The Town expects its employees, regardless of full-time, part-time, seasonal, or volunteer status, to adhere to the highest ethical standards possible in the performance of any and all duties related to job function. The standards set forth in this policy do not stand in place of recognized law. Rather, this policy exists to promote the Town's core values of leadership, integrity, teamwork, and excellence in service to citizens of the Town of Warrenton. The Town desires to promote public confidence that all employees of the Town of Warrenton dedicate themselves to high quality customer service and that employees of the Town would never commit or participate in actions to betray that trust. The Town seeks to protect the public and its interests from the practice of unethical behavior by its employees through the existence of this policy.

2) ETHICS

The Town defines ethics as the moral principles that govern a person's behavior or the conducting of an activity. Employees of the Town will always be ethical without exception.

Employees will not reveal confidential information or use such information for speculation or personal gain. Employees will not use their position to obtain confidential information about any person(s) or entity if it does not relate to the performance of their official job duties. Any request by an employee of the Town of Warrenton for information deemed to be public record shall be submitted to the Town Administrator as a formal public records request under the Media/Public Records Policy.

Employees are prohibited from accepting special treatment. Employees should decline any gift valued at more than twenty-five dollars (\$25) for themselves or their family. Employees will not use their position with the Town for personal benefit such as employment or profit, for either themselves or their families. Any privileges awarded to an employee from the Town as a result of that employee's position should never be used to improperly benefit other entities. All

vehicles, equipment, materials, money, or property owned by the Town are not to be used for personal convenience or gain. Employees should follow established procedures in the use of Town property. Employees serving in supervisory role will not use that position to take advantage of a subordinate for personal benefit or the benefit of other employees. The Town expects that its employees will make administrative and financial decisions that preserve the programs and services offered by the Town to address the needs of Town citizens.

3) BEHAVIOR AND CONDUCT

Employees should demonstrate the core values of the Town – leadership, integrity, teamwork and excellence. The Town expects its employees to be customer service-oriented towards both the public and co-workers and perform all job duties and responsibilities to the best of their ability. Employees will maintain public confidence in their office and performance through professional conduct and appearance. Employees should promote respect between fellow employees and members of the public.

Employees will act professionally when interacting with other employees whom they have the potential to influence. An employee will not pressure another employee nor seek or grant personal favors. Town employees should avoid even the appearance of improper behavior.

4) CONFLICTS OF INTEREST

It is paramount that employees avoid conflicts of interest, or their appearance, to maintain impartiality and transparency. The Town defines conflicts of interest as when an employee is unable to be fair and impartial in choosing between the interests of the Town and his or her own personal interests. To avoid this, employees should not engage in activities that conflict with the performance of official job duties. If an employee feels that they do have or may have a conflict of interest, they will contact their supervisor or manager to inform of the situation that may cause a conflict of interest or presents the appearance of conflicting interests.

In accordance with NC General Statute 14-234, no Town employee will participate in any contracts or influence the Town's selection of or conduct of business with a corporation, person, or firm proposing to do business with the Town if the employee has a personal relationship or any financial interest in the company. Neither will he or she solicit or receive any benefit, including a promise of future employment, in exchange for influencing the award of a contract by the Town. No employees shall accept any gifts, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town where the acceptance may influence his/her judgment, nor shall any employee accept any gift, or grant in the discharge of his/her duties any improper favor, service or thing. This is a serious breach of faith and any employee violating the provisions of this section shall be subject to disciplinary action up to and including dismissal.

Failure to disclose conflicts of interest is grounds for disciplinary action up to and including dismissal and any participation of the officer or employee in the matter shall be null and void.

No elected official, officer, or employee of the Town of Warrenton shall participate in the award or administration of an American Recovery and Reinvestment Act (ARRA) funded project or purchase if that person, that person's spouse, or a member of the person's immediate family has a financial or any other interest in the company selected for award.

Town Management, Department Heads, and the Town Clerk are prohibited from purchasing surplus property from the Town of Warrenton. In addition, if any employee is involved in determining which property should be declared surplus, and/or the value, he/she (or their spouse) cannot purchase the property. NC General Statute § 14-234.1 prohibits any public officer or employee from getting a financial benefit based on non-public information that the employee has, because of his/her job.

5) LAWS

Employees will uphold the Constitution, laws, and regulations of the United States as well as those of state and local governments, and will not engage in activities that undermine that authority. Employees' illegal actions off-duty may be cause for disciplinary action by the Town. Reporting unlawful or improper actions is appropriate. Employees are expected to use the proper chain of command when possible, or contact the Town Administrator for further investigation. Employees should set a public example of respect for the laws. Laws governing their duties are especially important, and even actions in private carry a public message.

Section 5. Political Activity Restricted

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- 1) Engage in any political or partisan activity while on duty;
- 2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- 3) Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
- 4) Coerce, solicit or compel contributions for political or partisan purposes by another employee .of the Town;
- 5) Use any supplies or equipment of the Town for political or partisan purposes; or,
- 6) Be a candidate for the Town Board or partisan election. However, if the employee is a candidate for non-partisan election, (except the Town Board), the employee must take a leave of absence without pay 30 days prior to the primary election. If successful in any primary election, the leave without pay must be extended until the day after the general election. If successful, the NC General Statutes concerning dual office holding shall apply. Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.

Any violation of this section shall subject the employee to disciplinary action, including dismissal.

Section 6. Outside Employment

The work of the Town will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or other compensation and all self-employment must be reported to and approved by the employee's Department Head and Town Administrator. Outside employment causing or perceived as a conflict of interest shall be disapproved. The Town Board shall be responsible for final interpretation. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.

Section 7. Limitation of Employment of Relatives

- 1) The members of an immediate family shall not be employed in the same administrative department at the same time. Neither shall two (2) members of an immediate family be employed at the same time if such employment would result in an employee directly or indirectly supervising a member of the immediate family.
- 2) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- 3) Immediate family is defined for the purpose of this section as spouse, mother, father, guardian, children, sister, brother, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those names, or anyone living as a part of the same household.

Section 8. Conformance to Immigration Law Requirements

The Town complies with E-Verify requirements and all employees are required to furnish proof of citizenship or other required documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be a permanent part of their personnel file.

Section 9. Confidential Information

No appointed official or employee shall, without the approval of the Town Administrator, disclose confidential information concerning the property, government, or affairs of the Town. Nor shall they, under any circumstance, use such information to advance the financial or other private interest of themselves or others.

Section 10. Substance Abuse and Controlled Substances

No employee shall use or consume intoxicating substances while on duty. Nor shall an employee report for duty while under the influence of an intoxicant, or non-prescribed controlled substances. Any employee using medication or a controlled drug by prescription which may affect job performance or safety, shall notify their supervisor. No employee shall use or consume unlawful substances at any time. At the Town's discretion, or as may be required by insurance coverage, an employee may be required to undergo drug and alcohol testing if there is reasonable suspicion that the employee may have consumed or may be under the influence of an intoxicant or non-prescribed controlled substances.

Section 11. Use of Town Owned Equipment

The Town Board specifically forbids the personal use of any Town owned equipment or supplies by any employee, elected or appointed official or individual, unless authorized by the Town Administrator. Should authorization be granted, use will be limited to the use specified in the authorization.

Use of Town owned vehicles is governed by the following:

- 1) Vehicles owned by the Town may be provided to one or more employees in connection with Town business and shall be used only on Town business. When the vehicle is not used in the Town's business, it is kept on the Town's business premises. Pursuant to federal and state law, neither the employee, nor any individual whose use would be taxable to the employee, may use the Town vehicle for personal use.
- 2) For bona fide non-compensatory business reasons, the Town may require certain employees to commute to and from work in Town vehicles that are not exempted by IRS regulations. In accordance with federal and state law, an employee may not use the Town owned vehicle for personal use other than commuting. Under those conditions the Town will account for commuting use as specified and required in IRS regulations.

Section 12. Travel and Expense Reimbursement

Employees, elected and appointed officials will, from time to time, be involved in out-of-town travel to attend schools, business meetings, conferences, etc. All reasonable expenses (e.g., meals, lodging, etc.) shall be reimbursed at actual costs, while traveling in a personal car, will be reimbursed at a mileage rate consistent with prevailing IRS limits for non-taxable reimbursements authorized by the Town Board.

Employees attending meetings, conferences, etc., where lodging is offered and available at the institution, shall be required to use such accommodations.

Reimbursement for meal expenses shall be guided by reasonableness. Meal expenses shall ordinarily be reimbursable only when incurred on out-of-town travel or when the meal itself is the

occasion of a business meeting. All travel claims must be supported by detailed documentation, usually in the form of receipts or similar vouchers.

The Town Administrator may deny reimbursement of any questionable, unsupported, or excessive expense claims submitted by employees.

Any violation of the provisions in this section shall be deemed improper conduct and may subject the employee to discharge or other disciplinary action.

ARTICLE V. THE PAY PLAN

Section 1. Adoption

The schedule of pay grades and salary ranges assigned, as amended from time to time, is hereby adopted as the pay plan for the Town.

Section 2. Administration and Maintenance of the Pay Plan

The Town Administrator shall be responsible for the administration and maintenance of the pay plan. The pay plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the rates of pay for comparable positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town; and other factors. To this end; the Town Administrator shall, from time to time, make comparative studies of all factors affecting the levels of salary ranges and shall recommend to the Town Board such changes in salary ranges as appear to be warranted.

Section 3. Use of Salary Ranges

Salary ranges are intended to furnish administrative flexibility in recognizing individual performance among employees holding positions in the same class by rewarding employees for meritorious service. The following general provisions will govern the granting of increases within the pay range:

- 1) The minimum rate established for the class is the normal hiring rate, except in those cases where unusual circumstances appear to warrant appointment at a higher rate. Appointment above the grade minimum may be made with the approval of the Town Administrator when deemed necessary and in the best interest of the Town. Above-the-minimum appointments will be based on such factors as the qualifications of the applicant being higher than the desirable education and experience for the class, a shortage of qualified applicants available at the grade minimum, the refusal of qualified applicants to accept employment at the grade minimum, or other similar factors.
- 2) All grade pay above the minimum is reserved to reward employees for meritorious service. Each year, the Town Administrator may require Department Heads to consider the eligibility of employees to receive salary increases and to recommend such advancement or retention at the same rate. Department Heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons to advance or retain the employee at the same rate. All

such advancements and retentions in the salary range must be approved by the Town Administrator.

Section 4. Payment at a Listed Rate

All employees covered by the salary plan shall be paid at a listed rate within the salary range established for their respective job classes except for employees in a "trainee status", or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Section 5. Salary of Trainee

An applicant hired or an employee promoted to a position in a higher grade, who does not meet all the established requirements of the position, may be appointed at a rate in the pay plan below the minimum established for the position. In such cases, a plan for training, including a time schedule, will be prepared.

Trainee salaries may be no more than two grades below the minimum salary established for the position for which the person is being trained. An employee will remain in the trainee grade until the Department Head determines that the trainee is qualified to assume the full responsibilities of the position. The Department Head shall review the progress of each employee in a trainee status monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than one (1) year.

Section 6. Probationary Period of Employment

Prior to receiving an appointment, each employee will satisfactorily complete a probationary period of six (6) months, except that police officers shall serve a probationary period of twelve (12) months. This time period is to be considered a continuation of the selection process. A probationary employee may be dismissed, with or without cause and without right of appeal, at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 8 of this article if unable to perform assigned duties of the new job satisfactorily.

A probationary employee whose work is unsatisfactory shall receive a written warning before being terminated by the Department Head. If the employee's work is not satisfactory during the probationary period, the employee may be terminated.

In unusual cases, for specific reasons approved by the Town Administrator, the probationary period may be extended for a maximum of an additional six (6) months. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension.

Section 7. Promotion

Department Heads shall endeavor to anticipate retirements and turnover and to have employees trained to assume positions of greater responsibility. In filling vacancies, an effort shall be made to promote qualified employees from within the Town work force before seeking an outside replacement.

When a vacancy occurs, the supervisor and Department Head in whose department the vacancy occurs shall review all applications received, including those from current Town employees wishing to be promoted into the position. If a current Town employee is chosen for promotion, the Department Head shall forward the employee's name to the Town Administrator with recommendations for salary and reasons for selecting the employee over other applicants. After receiving such comments, the Town Administrator shall make an appointment; if appropriate, and determine the starting salary.

Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, on their qualifications, and on their work records. Employees being promoted must meet the qualification standards to include education, training, and experience for the classification to which the promotion is being made.

Section 8. Demotion

Any employee who fails to maintain high standards of personal conduct, or whose work in his present position is unsatisfactory, may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the warning procedures outlined for cases involving inability to perform duties or failure in performance of duties. An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failures in personal conduct.

In all cases involving demotion the employee shall be provided with written notice citing the recommended effective date, reasons for demotion, and appeal rights available, if any.

Section 9. Transfer

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. As vacancies occur in other departments to which an employee would be eligible for transfer, the employee shall notify his or her supervisor of interest in the transfer and submit notice of a desire for transfer to the various Department Head(s) for consideration. If a Department Head wishes to hire that employee, the employee must request a transfer to that specific department and have the transfer approved by the Town Administrator.

Section 10. Pay Rates in Promotion, Demotion, Transfer, Reclassification and Completion of Probationary Period

When an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- 1) **Promotion:** An employee who is promoted shall receive a 5% pay increase in base salary or an increase to the minimum for the new pay grade, whichever is higher.
- 2) **Demotion:** The salary of an employee who is demoted shall be reduced to no less than the minimum of the lower pay grade and shall be based on consideration of the employee's skills, knowledge and abilities, as well as seniority when compared to other employees in the same class.
- 3) **Transfer:** An employee transferring from a position in one grade to a position in another grade assigned the same pay range shall continue to receive the same salary.
- 4) **Reclassification:** An employee whose position is reclassified to a class having a higher salary range shall receive a 5% pay increase in base salary or an increase to the minimum for the new pay grade, whichever is higher. If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum established for the new grade, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.
- 5) **Probationary Period:** An employee who successfully completes the probationary period is entitled to a (5%) increase, or the minimum of pay grade. However, the probationary increase for Police Officers may be granted at the 6-month point rather than at the end of the state required 12-month probation.

Section 11. Effect of Salary Range Revisions

When the Town Board approves a rate change in salary ranges, or the Town Board changes the range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- 1) When a class of positions is assigned to a higher pay range, employees in that class shall receive a 5% pay increase or an increase to the minimum for the new range, whichever is higher.
- 2) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If this assignment to a lower pay range results in an employee being paid at a rate above the maximum established for the new class, the salary of the employee shall be maintained at that level until such time as the employee's pay range is increased above the employee's current salary.

- 3) When an adjustment is made to a pay range to reflect market changes, employees in classes within that pay range may or may not receive the adjustment, depending on the Town's financial condition.

Section 12. Pay for Part-Time Work

The pay plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by using the hourly rate of the position classification assigned.

Section 13. Performance Evaluation

A supervisor shall evaluate performance beginning with the employee's first day on the job. Through open communications with his or her supervisor, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses. An Employee Evaluation form is included for use in annual reviews (Exhibit A). This particular evaluation form is subject to change after consideration of the HR Committee and approval of the Board of Commissioners.

A formal evaluation shall be completed for an employee prior to the completion of his or her probationary period and at least once each year thereafter. The Town's performance evaluation program provides a system for appraising the employee's work.

Section 14. Merit System

When the quality of an employee's performance is worthy of special recognition, the employee's salary may be advanced within the same assigned salary grade. Such merit pay raise shall be done only after recommendation of the Department Head and based on the quality of the individual's work performance.

Following successful completion of an employee's probationary period, the quality of his or her performance shall continue to be reviewed and appropriate instruction and counsel shall be provided in methods for improving job performance.

Merit pay increases shall not be awarded automatically. When an employee's productivity, behavior, attendance or work quality need to be improved, the Department Head shall deny a merit salary increase with the approval of the Town Administrator, and the employee shall be told where improvement needs to be made.

A merit pay increase may be granted with the approval of the Town Administrator to eligible full-time employees in accordance with the following provisions:

- 1) When a new employee has completed a year of continuous service following the initial probationary period.
- 2) A promoted employee may be eligible for a merit increase after a year of continuous service from the date of promotion.

- 3) When such an increase will not exceed the maximum salary rate for the class of his position.
- 4) When the work of the employee is determined to be "definitely above average" or "outstanding", as documented on the employee's performance evaluation, the employee may be granted a merit pay increase.

Section 15. Merit Bonus Plan

The purpose of the merit bonus is to reward employees who have reached the top step in their salary range when their work performance is determined to be meritorious. Employees who are at the maximum amount of the salary range for their position classification are eligible to be considered for a Merit Bonus at their regular performance evaluation time. Merit bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and in the same amounts as employees who are within the salary range. Merit bonuses shall be awarded in lump sum payments and do not become part of base pay.

Section 16. Effective Date of Salary Changes

Salary changes approved shall be effective on the annual review date, at the beginning of the next pay period for promotions/demotions, or at such specific date as may be provided by procedures approved by the Town Board.

Section 17. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined and authorized by the Department Head.

To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Town Administrator, following FLSA regulations, shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7 day period); hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in the next paragraph. In determining eligibility for overtime in a work period, only hours actually worked shall be considered, unless the period worked includes holidays, in which case holidays will be considered worked days.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the same 40 hour week for non-exempt employees to avoid paying overtime. Or the department

heads may schedule time off during the same pay-period based on one and one-half times the number of hours worked in excess of 40 in a workweek, instead of paying overtime. When time off within the same pay-period cannot be granted, overtime worked will be paid at a time-and-one-half rate or taken as compensatory time at a time-and-one-half rate, in accordance with FLSA regulations.

In determining the number of hours worked by an employee within a given week, time spent on vacation, sick leave, and holidays will not be counted as time worked. Such time off must be included in straight-time pay, but is not included in computing hours of work for overtime pay.

Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative or Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted occasional compensatory leave by their Department Heads where the convenience of the department allows.

During any absence, employees will utilize accrued comp time hours before utilizing vacation or sick leave.

Provisions for Law Enforcement – (more than 40 hours in some weeks) EXAMPLE The “work period” will consist of 28 consecutive days. In the workweek period of 28 consecutive days the employee shall receive, for tours of duty, which in the aggregate exceed 171 hours, compensation at a rate of one and one-half times the regular hourly rate at which employed.

Section 18. Call-Back Pay and On-Call Pay

The Town of Warrenton must provide a variety of critical emergency services 24 hours a day, seven days a week. Need for these services may occur when employees with necessary skills are not on duty. As a result, the Town must be assured that skilled employees are always readily available by placing some employees on standby status. At other times it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary action up to and including dismissal by the Town Administrator.

Call-Back Pay. Non-exempt employees will be guaranteed a minimum payment of two hours of wages for being called back to work outside of normal working hours when not on call. Non-exempt employees will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are actually required to return to work and will receive overtime for eligible overtime hours. The minimum of two hours pay is guaranteed for non-exempt employees who are called back or actual hours worked whichever is greater. "Call-back" provisions do not apply to previously scheduled overtime work (scheduled one or more days in advance). If more than one callback occurs within a given shift, total callback time cannot exceed two hours unless the work time exceeds two hours.

Section 19. Payroll Deductions

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Administrator as to capability of payroll equipment, associated increase in workload and appropriateness of the deduction.

Section 20. Return of Town Property

An employee who leaves employment with the Town, whether by way of voluntary resignation, suspension or termination shall be required to return all items of equipment and supplies; including uniforms, owned by the Town. Return of such equipment must precede the issuance of such an employee's final paycheck.

Section 21. Pay for Professional Development

Employees hired on or after July 1, 2014, shall be eligible to receive a 5% salary adjustment after the successful completion and upon receipt of certification of approved courses of study determined to be critical to town operations. Employees hired on or before June 30, 2014, shall be eligible to receive a one-dollar per hour salary adjustment after the successful completion and upon receipt of certification of approved courses of study determined to be critical to Town operations.

ARTICLE VI. HARRASMENT POLICY

No discrimination shall be exercised, threatened, or promised against or in favor of any applicant or employee because of his/her age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status.

The Town opposes sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she may have a complaint of discrimination or sexual harassment may follow the Grievance Procedure described in this Policy or may file the complaint directly with a Department Head, Town Administrator or other Town official. The Town Administrator will ensure that an investigation is conducted into any allegation of discrimination or sexual harassment and advise the employee and appropriate management officials of the outcome of the investigation.

Discrimination or Harassment in any form shall not be tolerated and may lead to dismissal of the offender(s).

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation leave, sick leave, and holiday leave to all full-time employees.

Section 2. Accumulated Leave: Manner of Taking

Employees shall be granted the use of earned vacation, compensatory time, and holiday leave upon request in advance at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for ensuring that approved leave does not hinder the effectiveness of service delivery. Time shall be taken in the following manner: one hour minimum, then in quarter hour (15 minute) increments. There is no minimum leave requirement for sick leave, however the quarter hour (15 minute) increments shall apply.

Employees are cautioned not to retain excess accumulated leave until late in the fiscal year. Because of the necessity to keep all functions in operation, large numbers of employees cannot be granted leave at any one time. If an employee has excess leave accumulation during the latter part of the fiscal year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having leave scheduled or in receiving any exception to the maximum accumulation.

Section 3. Holidays

The following days, and other days as the Town Board may designate, are holidays with pay for employees and appointed officers of the Town working the basic workweek.

New Year's Day	Labor Day
Martin Luther King, Jr. Birthday	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day

When a recognized holiday, other than Christmas Day, falls on Saturday or Sunday, the holiday shall be observed on Monday following the holiday.

When Christmas Day falls on the day of the week indicated below, the days set forth will be observed as holidays:

Sunday	Friday and Monday
Monday	Monday and Tuesday
Tuesday	Monday, Tuesday and Wednesday
Wednesday	Tuesday, Wednesday and Thursday
Thursday	Wednesday, Thursday and Friday
Friday	Thursday and Friday
Saturday	Friday and Monday

For employees having a workweek with greater or fewer hours than the basic workweek, holiday leave shall be granted in the same proportion as their workweek is to a forty-hour (40) workweek. (See Article VII, Section 6 of these polices.)

In order to receive a paid holiday, an employee should have worked the day before and the day after the holiday(s), or have been given approved leave.

Section 4. Holidays: Effect on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any appointed officer or employee of the Town shall not be considered as vacation, sick or other leave.

Section 5. Holidays: Compensation for Working Holidays

Employees required to perform work on regularly scheduled holidays may be granted "holiday compensatory time off" or paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled. "Holiday compensatory time" shall be granted whenever feasible and taken within three (3) months from the time it is earned.

Section 6. Vacation Leave

Vacation leave may be used for the employee's rest and relaxation and may also be used for medical appointments, personal illness, illness in the immediate family.

1) Initial Appointment

Probationary Employees serving a probationary period following initial appointment may earn vacation leave but shall not be permitted to take vacation leave during the probationary period unless the denial of such leave will create an unusual hardship. Vacation leave may be taken during this period only with the prior approval of the appointing authority.

2) **Vacation Leave - Manner of Accumulation**

Each full-time employee shall be granted vacation leave based upon length of service completed as the Town’s employee at the following rates:

Years of Completed Service	Hours Granted Each Month	Hours Granted Each Year	Days Granted Each Year
Less than 10 years	6.67 hours	80 hours	10 days
10 but less than 20 years	8 hours	96 hours	12 days
20 years or more	10 hours	120 hours	15 days

Vacation leave earned by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 6 of this Article.

3) **Vacation Leave – Maximum Accumulation**

Vacation leave may be accumulated without any applicable maximum until the last pay period in June. Effective the last pay period in June, any employee with more than the maximum accrued limit of accumulated leave shall have the excess accumulation removed so that only the accrued limit, 30 days, is carried forward to July 1 of the next fiscal year.

The excess vacation time will be converted to the employee’s sick leave account. Employees shall not be paid for any excess vacation leave.

Employees are cautioned not to retain excess accumulation of vacation leave until late in the calendar year. Due to the necessity to keep all Town functions in operation, large numbers of employees cannot be granted vacation leave at any one time. If any employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee shall receive no special consideration either in having vacation leave scheduled or in receiving any exception to the maximum accumulation rule.

However, if an employee separates from service with the Town at any point during the year, payment for accumulated vacation leave shall not exceed 30 days, any other accumulated vacation leave is forfeited.

4) **Vacation Leave – Manner of Taking Leave**

Vacation leave may be taken as earned by a regular employee subject to the approval of the supervisor. A maximum of ten (10) days may be taken during any 45-day period

except during an emergency. During any absence, an employee must use their comp time balance before using vacation leave hours.

5) Vacation Leave – Prior Service Recognition

When the employee is hired and at the end of any probationary period, the Town may recognize prior years of service with a previous employer. Such prior service must: (1) be documented by the previous employer; (2) the previous employer must have participated the State of North Carolina Teachers and Employees Retirement System or in the State of North Carolina Local Governmental Employees' Retirement System; and (3) the employee did not withdraw any accumulated contributions from the previous employer when leaving employment.

If recognized by the Town, the prior years of service will be treated as though it were earned with the Town of Warrenton for the sole purpose of calculating vacation accrual. It is the employee's responsibility to provide documentation from their previous employer within two (2) months of beginning employment with the Town.

6) Separation - Pay for Accrued Vacation Leave

If an employee gives notice to the Town of his/her intent to leave the Town's employment and the employee continues to work for the Town for at least two weeks after giving during the notice, that Employee shall be paid for vacation leave accumulated up to the date of separation. Said payment shall be limited to a maximum of 30 days of accrued vacation leave.

NOTE:

Employees who do not give proper notice of their resignation to the Town, and continue to work during the notice period, will forfeit all accumulated vacation leave and will not be paid for their accumulated vacation upon termination.

Likewise, Employees who are terminated by the Town forfeit all accumulated vacation leave and will not be paid for their accumulated vacation upon termination.

7) Payment for Accrued Vacation Leave Upon Death

In the case of a deceased employee, payment for unpaid salary, vacation leave, and travel must be made, upon establishment of a valid claim, to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment must be made to the Clerk of Superior Court of the county of the deceased employee's residence. Payment of accumulated vacation leave shall be subject to a maximum of 30 days, at the employee's current rate of pay.

Section 7. Sick Leave

Sick leave with pay is not a right, which an employee may demand but a privilege granted by the Town Board for the benefit of an employee when sick. Sick leave shall be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, required physical or dental examination or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave may be used when an employee must care for a spouse or child. During any absence, an employee must use any "comp time" before using sick leave hours.

Notification of the need to take sick leave should be submitted to the employee's supervisor prior to the leave, when possible, or not later than two (2) hours after the beginning of a scheduled workday.

1) Sick Leave – Manner of Accrual

Each full-time regular and probationary employee working the basic workweek of 40 hours shall accrue sick leave at a rate of 8 hours per month (96 hours annually).

Sick leave accrued by employees having a workweek with greater or fewer hours than the basic workweek shall be determined in accordance with the formula set forth in Section 6 of this policy.

2) Sick Leave – Maximum Accrual

Sick leave shall continue to accrue so long as the employee is employed with the Town.

3) Sick Leave - Physician's Certificate

To avoid abuse of sick leave privileges, a statement from a medical doctor or other acceptable proof may be required by the employee's supervisor or Department Head. Said statement must give the nature of the illness and the employee's physical capability to resume duties. More than two (2) consecutive sick days requires a physician's certificate of illness.

4) Sick Leave - Previous Leave Credit

Sick leave accumulated by each Town employee shall be retained as of the effective date of this policy. This policy does not provide for any retroactive credit to be calculated to grant current employees more sick leave based on a higher rate of accrual this policy may provide.

5) Sick Leave – Transfer From Previous Employer

When the employee is hired and at the end of any probationary period, the Town may accept sick leave earned with a previous employer. Such prior sick leave must: (1) be

documented by the previous employer; (2) the previous employer must have participated in the State of North Carolina Teachers and Employees' Retirement System or in the State of North Carolina Local Governmental Employees' Retirement System; and (3) the employee did not withdraw any accumulated contributions from the previous employer when leaving employment or apply it toward retirement credit.

If recognized by the Town, the sick leave will be treated as though it were earned with the Town of Warrenton. It is the employee's responsibility to provide documentation from their previous employer within two (2) months of beginning employment with the Town. Up to forty (40) hours of the transferred sick leave will be credited to the employee upon completion of the probationary period and the remaining balance will be credited to the employee upon completion of one (1) year service.

Section 8. Calculation of Vacation Leave and Sick Leave

Vacation leave, and sick leave earned by regular employees having a workweek or work shift with greater or fewer hours than a 40-hour workweek or 8-hour work shift, shall be determined proportional to the 40-hour employee. This is done so that the same percentage in time off with pay is granted. Calculations are made as follows:

- 1) The number of hours granted annually to 40-hour employees shall be divided by 2080 hours (the number of hours annually in a 40-hour workweek). This percentage of time off is then applied to the Vacation number of hours worked by employees with greater or fewer hours than 40-hour.
- 2) The proportion obtained is earned and deducted from the employee accrual on an hour for hour basis.

Example: A 40-hour per week employee with 4 years of service is entitled to 80 hours of vacation leave annually, (10 days) which is 3.85% of their total time. An employee working 2912 hours annually with 4 years of service is entitled to $(2912 \times 3.85\% = 112)$ 112 hours of vacation leave annually.

Section 9. Leave Without Pay Policy

A regular or probationary employee may be granted a leave of absence without pay for up to one (1) year by the Town Administrator. The employee shall apply in writing to the Town Administrator for leave, stating the reason and the length of time for the leave of absence request.

The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the Town Administrator. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. If the employee decides not to return to work, the supervisor should be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn or accrue leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the Town's group insurance plans, subject to any regulations adopted by the Town Administrator and the regulations of the respective insurance carriers.

Section 10. Workers' Compensation Leave

An employee absent from duty because of sickness or disability covered by the North Carolina Workers' Compensation Act may elect to use accumulated vacation and sick leave in lieu of Workers' Compensation Leave. Once all leave has been exhausted, the employee will automatically continue in a Worker's Compensation leave status. Upon reinstatement, an employee's salary will be computed on the basis of the last salary earned plus any increment or other salary increase to which the employee would have been entitled during the disability covered by Workers' Compensation.

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use sick leave, vacation leave, or accrued compensatory time.

Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave Without Pay status until their return to work. Accrued leave cannot be used while in Leave Without Pay status.

Employees in leave without pay status will retain all accumulated sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.

Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.

After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.

Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

The Town of Warrenton's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.

An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.

After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the Town will be terminated to allow the Town to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The Town reserves the right to separate the employee prior to 52-weeks.

Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.

Section 11. Death Leave

An employee may have up to three (3) days leave at full pay granted when attending the funeral of an immediate family member as defined in Article VI, Section 8(c) of these policies. Additional time to settle affairs of the family may be taken with the approval of the Department Head and should be charged to vacation leave. Leave to attend funerals of other than the immediate family may be granted by the Department Head and charged to vacation leave.

Section 12. Temporary Disability Leave

Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness.

Leave without pay may be used by the employee prior to, during or after the disability ends as long as a doctor's certification continues to support the disability.

The employee may elect to use accumulated vacation leave (1) before going on sick leave, (2) after accumulated sick leave has been exhausted, and/or (3) after the temporary disability has

ended. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of Section 7 of this article. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.

Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work.

Section 13. Military Leave

Regular employees who are members of the National Guard or Armed Forces Reserve will be allowed two (2) calendar weeks' military training leave annually. This leave is without pay; however, the employee may elect to use Vacation leave to cover part or all of the military leave.

If such military duty is required beyond this two (2) calendar week's period, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status. While taking military leave with partial pay or without pay, the employee's leave credits and other benefits shall continue to accrue as if the employee physically remained with the Town during this period. Employees who are members of the National Guard or Reserves retain all employment protects as provided in the Uniformed Services Employment and Re-employment Rights Act.

Section 14. Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof, shall receive leave with pay for such duty during the required absence, without charge to accumulated vacation or sick leave. Any court fees paid to the employee shall be retained by the employee. While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 15. Educational Leave With Pay

A leave of absence with pay during regular working hours will be granted to an employee to take courses required by the Town as a condition of employment. The Town shall reimburse the employee for tuition, fees, and books for the courses, provided the employee submits a receipt for such expenses.

An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which Town employees are entitled.

Section 16. Adverse Weather

Adverse weather conditions occasionally disrupt work schedules and interfere with normal work-related activities. Regular employees are encouraged to report to work. However, the Town recognizes that factors such as transportation, school closings, and childcare arrangements are considerations. Non-required personnel are permitted to determine for themselves whether they can travel to and from work safely. For any lost time from work, as a result of adverse weather conditions, employees will be allowed to use accrued vacation leave, compensatory time, leave without pay or make up the time lost. Any request to make up the time lost must be approved by the Department Head and Town Administrator, and must not result in overtime. This accommodation to make up the time lost shall only apply to adverse weather conditions and the approval to do so is not guaranteed.

In serious adverse weather, the Town Administrator may close or open late to the general public in the interest of safety. The Town Administrator, in consultation with the Mayor, will determine all decisions to delay or close the Town offices related to adverse weather or other emergency conditions. When the Town's schedule is altered, operational status will be available through news media outlets, Town email, Internet and normal supervisory channels. Employees whose presence is not required will not be docked leave or pay for regularly-scheduled work hours missed due to official closings or late openings. Employees who are not required by their departments to work during a Town closing but who do, in fact, work during the closed time frame must be paid their regular rate for all hours worked but will not receive paid time off.

Departments providing emergency and critical services 24 hours/day will remain open and employees will be required to work as usual. All law enforcement and other designated essential personnel work hours will continue to be set at the discretion of the respective Department Head and Town Administrator. In addition, there may be cases when department necessity may require that employees who had not been designated as essential personnel must report to work (or remain at work) during an emergency situation (i.e. maintenance or snow removal) and will work such hours as needed. All employees required to work during adverse weather or emergency situation must be paid at their regular rate for all hours worked (or overtime when warranted). Failure to report to work when required may result in disciplinary action.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separation

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated:

- 1) **Resignation**: A minimum of two (2) weeks' notice is expected of all resigning personnel. Such notice should be given to the Department Head (or in the case of Department Heads, to the Town Administrator). Employees who do not give proper notice (2 weeks for most employees) will not be paid for their accumulated vacation leave balance upon termination. Three days without reporting to work or contacting the appropriate official shall be considered a voluntary resignation.
- 2) **Reduction in Force**: In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's past performance, organizational needs, and seniority, in that order, in determining those employees to be retained. Employees who are laid off because of reduction in force shall be given at least one (1) pay period notice of anticipated layoff. No regular employee shall be separated while there are temporary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary employee.
- 3) **Disability**: An employee may be separated for disability when the employee cannot perform the required duties because of a physical or mental impairment and reasonable accommodations, as required by the Americans with Disabilities Act (ADA), cannot be made. The separation may be initiated by the employee or the Town but, in all cases, it shall be supported by medical evidence as certified by a competent physician. The Town may require an examination at its expense and performed by a physician of its choice. Before an employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the Town's service for which the employee may be suited.
- 4) **Voluntary Retirement**: An employee who meets the conditions set forth under the provision of the North Carolina Local Government Employees' Retirement System may elect to retire and receive all benefits earned under the retirement plan.
- 5) **Death**: All compensation due in accordance with Article VII, Section 4 of these policies will be paid to the designated beneficiary of a deceased employee. The date of death shall be recorded as the separation date for computing compensation due.
- 6) **Dismissal**: If the appointing authority determines that a dismissal action is appropriate, such dismissal shall be effective at the end of the calendar day. A written summary giving the circumstances and facts leading to the dismissal shall be prepared. A copy of the summary shall be mailed to the employee by certified mail and one copy shall be filed in the employee's personnel file.

- 7) **Reinstatement:** An employee who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Administrator.

An employee who enters extended active duty with the Armed Forces of the United States, the Public Health Service or with a Reserve Component of the Armed Forces will be granted reinstatement rights as allowed by the Uniformed Services Employment and Re-Employment Rights Act.

An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid a reinstated employee shall be as close as reasonably possible, given the circumstance of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

- 8) **Rehiring:** An employee who resigns while in good standing may be rehired with the approval of the Town Administrator and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing, who is separated due to a reduction in force, shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Unsatisfactory Job Performance

A. Failure in Performance of Duties

Failure in the performance of duties includes any aspects of the employee's job which are not performed as required to meet the standards set by the Town Administrator.

The following causes relating to failure in the performance of duties are representative, but are not inclusive, of all those considered to be adequate grounds for suspension, demotion or dismissal:

- 1) Demonstrated inefficiency, negligence or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Town property or equipment;
- 3) Physical or mental incapacity to perform duties;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place.
- 8) Failure to complete work within time frames established in work plan or work standards; or
- 9) Failure to meet work standards over a period of time.
- 10) Failure to acquire or maintain any certifications or licenses required to perform the essential job functions as defined in the job description.

B. Disciplinary Action for Unsatisfactory Job Performance

An employee may be suspended, demoted, or dismissed because of unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory.

When a Department Head recommends that an employee be suspended, demoted, or dismissed, the Department Head shall provide the employee with written notice of unsatisfactory job performance, the recommended disciplinary action, effective date of action, and the employee's recourse(s), if any, available to the employee.

Prior to making a decision to terminate employment, the employee will have the opportunity to discuss the dismissal and the reasons for the dismissal recommendation with the supervisor and Town Administrator.

C: Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor should meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions should be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two warnings from the supervisor before disciplinary action resulting in dismissal is taken by the Town Administrator. In each case, the supervisor should record the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the Town Administrator.

D: Pre-Disciplinary Conference

Before suspension, demotion, or dismissal action is taken, for unsatisfactory performance, the Department Head or Town Administrator will provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action to the Department Head or Town Administrator. The Department Head or Town Administrator will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action by the Department Head or Town Administrator will contain a statement of the reason for the action and the employee's appeal rights.

Section 2. Detrimental Personal Conduct

An employee may be suspended, demoted or dismissed for causes relating to personal conduct detrimental to Town service without warning in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons.

A. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. The following examples relating to failure in personal conduct are representative, but are not inclusive, of all those considered to be adequate grounds for suspension, demotion, or dismissal:

- 1) Fraud in securing appointment;
- 2) Conduct unbecoming a public officer or employee;
- 3) Conviction of a felony or of a misdemeanor which would adversely affect performance of duties, or the entry of a plea of "no contest" to either;
- 4) Misappropriation of Town funds or property;
- 5) Falsification of Town records for personal profit or to grant special privileges;
- 6) Reporting to work under the influence of alcohol or narcotic drugs or partaking of such things while on duty or while on public property, except that prescribed medication may be taken within the limits set by a physician so long as medically necessary;
- 7) Willful damage or destruction of property;
- 8) Willful acts that would endanger the lives and property of others;
- 9) Acceptance of gifts in exchange for "favors" or "influence";
- 10) Incompatible outside employment or conflict of interest;
- 11) Engaging in political activity prohibited by this Policy;
- 12) Harassment of any employee(s) and/or the public on the basis of sex or any other protected class status;
- 13) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations;
- 14) Insubordinate conduct or behavior towards any employee holding a superior position to that employee or any such conduct or behavior about any supervisor in that supervisor's absence but in the presence of other employees of the Town;
- 15) Any conviction resulting in the loss of the employee's North Carolina driving privileges when that employee's essential duties and tasks require the operation of motor vehicles;
- 16) Willful and/or intentional refusal to obey any lawful order or assignment of a supervisor of that employee.

B. Disciplinary Action for Detrimental Personal Conduct

An employee may be suspended, without prior warning, by the Department Head for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons. When a Department Head suspends an employee he shall tell the employee to leave Town property at once and remain away until further notice.

C: Communication and Warning Procedures Preceding Disciplinary Action for Detrimental Personal Conduct

In situations not warranting immediate suspension, the Department Head or Town Administrator will provide the employee with a written notice of proposed disciplinary action, which will include the nature of the proposed action, its recommended effective date, the reasons for the action, and a date and time for a pre-disciplinary conference.

D: Pre-Disciplinary Conference

At the Pre-disciplinary conference, the employee may present any response to the proposed disciplinary action to the Department Head or Town Administrator. The Department Head or Town Administrator will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action by the Department Head or Town Administrator will contain a statement of the reason for the action and the employee's appeal rights.

E. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or Town Administrator, be in the best interest of the Town, the Department Head or Town Administrator may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Town Administrator may:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension, such employee shall not lose any benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

Section 3. Employee Appeal

A regular employee wishing to appeal a personal action, including demotion, suspension or dismissal, may present the matter in accordance with the provisions of the grievance procedure prescribed in Article X of these policies.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy and Purpose

It is the policy of the Town to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees that a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedure shall not be subjected to retaliation or any form of harassment from supervisors or employees for exercising their rights under the grievance procedure. Supervisors, or other employees who violate this policy, shall be subject to disciplinary action up to and including termination from the Town.

Section 2. Grievance Defined

A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other policy, practice or procedure affecting working condition for the Town. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure. Nothing herein shall be interpreted to change the status of any employee from that of an employee at will.

Section 3. Purpose

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures; and
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees;

- 6) Providing employees with a procedure by which they may appeal disciplinary actions which have been taken against them.

Section 4. Procedure

When an employee has a claim or complaint concerning employment with the Town, the successive steps described below are to be taken toward resolution of the matter. The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, the time limits given below may be extended by those concerned.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor are encouraged to meet to discuss the problem and seek to resolve it informally. Either the employee or the supervisor may involve the respective Department Head as a resource to help resolve the grievance. If the grievance is to be filed with and considered by the Department Head, the Pre-Disciplinary Conference shall satisfy the Informal Resolution.

Employees (Applicants) who use this procedure shall be free from discrimination, coercion, restraint or reprisal.

Step One. The employee with a grievance shall present the matter orally or in writing to the Department Head within ten (10) working days of its occurrence or within ten (10) working days of the time the employee learns of its occurrence. If the exact date cannot be established for the occurrence of a grievance circumstance, the ten (10) working day limit will be waived, but the employee should file the grievance within a reasonable time period. The grievance shall specify the relief that he/she expects to gain through the use of this procedure. The Department Head should be and is encouraged to consult with any employee or officer deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days.

Step Two. If the decision is not resolved in Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the Town Administrator within ten (10) working days. The grievance shall specify the relief expected from the use of this procedure.

The Town Administrator, or other person designated by the Town Board, shall hold a hearing thereon, consult with whatever sources deemed appropriate, and allow the employee to examine all the evidence and to present his/her case.

NOTE: For a grievance against the Town Administrator the employee will advise the Mayor, who will appoint a Town Board Committee to hear the grievance and render their recommendation to the Town Board at its next regularly scheduled monthly meeting in a closed session for personnel.

The Town Administrator shall review the case data and render a decision in writing within fifteen (15) working days after receipt, with one copy sent to the employee by certified mail and one copy placed in the employee's personnel file. Final approval of the decision must be considered and approved by the Town Board of Commissioners. There shall be no appeal from this decision.

Section 5. Discrimination and Adverse Action Appeal Procedure

Any applicant for Town employment, Town employee, or former Town employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, race, color, religion, national origin, political affiliation, non-disqualifying disability, marital status, or military or veteran status shall have the right to appeal directly to the Town Administrator using the grievance procedure outlined in Section 3 of this article if so desired: An employee or applicant must appeal an alleged act of discrimination within thirty (30) calendar days of the alleged discriminatory action. Nothing is contained herein that shall discourage, deny or influence an employee, applicant for employment or former employee from filing a claim or complaint with the appropriate federal or state department or agency.

Section 6. Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, improper dismissal, and discrimination cases.

ARTICLE XI. EMPLOYEE BENEFITS

Section 1. Eligibility

All full-time employees of the Town are eligible for employee benefits as provided for in this Article. Part-time regular employees are eligible for sick leave and vacation benefits. Benefits are subject to change at the Town's discretion.

Section 2. Health Insurance

The Town offers health insurance and life insurance and through the Town of Warrenton's current insurance providers. The Town may make other insurance plans available for its employees upon authorization of the Town Board of Commissioners.

Section 3. Social Security

The Town, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and eligible groups and classes of such employees.

Section 4. Retirement Benefits

Each employee who works in a position that is expected to have duties requiring 1,000 hours or more in any given twelve (12) month period and those duties will exist for longer than a year shall join the North Carolina Local Governmental Employees' Retirement System, when eligible, as a condition of employment.

Section 5. Law Enforcement - 401K & Separation Allowance

The Town provides contribution to a 401K plan for active sworn law enforcement personnel and provides a monthly separation allowance to retired law enforcement officers as required the General Statutes of North Carolina.

Section 6. Workers' Compensation

All employees of the Town (regular full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims must be filed by the employee with the North Carolina Industrial Commission within two years from date of injury. The Town Administrator or Department Head will assist the employee in filing the claim, if requested.

Section 7. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force, or released from Town service, may apply for benefits through the local Division of Employment Security office, where a determination of eligibility will be made.

Section 8. Sick Leave Recognized as Creditable Service at Time of Retirement

In accordance with current Retirement System regulations, at the time of an employee's retirement, each 20 days (160 hours) of accrued and unused sick leave will be recognized and counted as one additional month of creditable service. An employee's eligibility for this calculation is determined by the Retirement System at the time of retirement and is subject to Retirement System rules and regulations at the time of retirement.

ARTICLE XII. PERSONNEL RECORDS AND REPORTS

Section 1. Personnel Records Maintained

Such personnel records as are necessary for the proper administration of the personnel system will be maintained by the Town Administrator or his designee. The Town shall maintain, in personnel records, only information that is relevant to accomplishing personnel administration purposes.

Section 2. Public Personnel Records Defined

In compliance with G.S. § 160A-168(b), subject to any revision thereof, the following information, with respect to each Town employee, is a matter of public record:

- 1) Name.
- 2) Age.
- 3) Date of original employment or appointment to the service.
- 4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession.
- 5) Current position.
- 6) Title.
- 7) Current salary.
- 8) Date and amount of each increase or decrease in salary with that municipality.
- 9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- 10) Date and general description of the reasons for each promotion with that municipality.
- 11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- 12) The office to which the employee is currently assigned.

The term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the Town.

Section 3. Access to Personnel Records

As required by G.S. § 160A-168, any person may have access to the information listed in Section 2 of this Article for the purpose of inspection, examination, and copying during the regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town Board may adopt. The access to such information shall be governed by the following provisions:

- 1) Upon request, the record of disclosure shall be made available to the employee to whom it pertains.
- 2) Any individual examining a personnel record may have a copy the information made. Any available photocopying facility may be provided and the cost may be assessed to the individual.
- 3) Any person denied access to any record shall have a right to compel compliance with these provisions by application to a court for a writ of mandamus or other appropriate relief.

Section 4. Access to Confidential Information

All information contained in the Town employees personnel file, other than the information listed in Section 2 of this Article will be maintained as confidential in accordance with the requirements of G.S. § 160A-168 and shall be open to inspection only in the following instances:

- 1) The employee or his duly authorized agent may examine all portions of his personnel file, except (1) letters of reference solicited prior to employment, and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.
- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine such portion of the employee's personnel file as may be ordered by the court.
- 5) An official of an agency of the State or Federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of the personnel records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability. However, such official having custody of such records may

- release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release, to be placed with his/her personnel file, which permits the person with custody of the file to provide; either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
 - 7) The Town Administrator, with concurrence of the Town Board, may inform any person of the employment or non-employment, promotion, demotion, suspension, or other disciplinary reasons for that personnel action. Before releasing the information, the Town Administrator shall determine in writing that the release is essential to maintaining the public trust and confidence in the administration of services or to maintain the level and quality of Town services.

This written determination shall be retained in the office of the Town Clerk, and is a record available for public inspection and shall become part of the employee's personnel file.

Each individual requesting access to confidential information will be required to submit satisfactory proof of identity.

A record shall be made of each disclosure and placed in the employee's file (except of disclosures to the employee and the supervisor.)

Section 5. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 6. Records of Applicants

Applicants and other information gathered with respect to an applicant will be kept confidential in accordance with G.S. § 160A-168. The Town will not release this information without written permission from the applicant.

Section 7. Remedies of Employees Objecting to Material in File

An employee who objects to material in his file may place in the file a statement relating to the material considered to be inaccurate or misleading. The employee may seek the removal of such material in accordance with established grievance procedures.

Section 8. Penalty for Revealing Confidential Information

G.S. § 160A-168 provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee's

personnel file, except as permitted by the statute, is guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars.

Section 9. Penalty for Unauthorized Viewing or Copying

G.S. § 160A-168 provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined in the discretion of the court but not in excess of five hundred dollars.

Section 10. Destruction of Records Regulated

No person may destroy, sell, loan, or otherwise dispose of any public record except in accordance with G.S. § 121-5. Whoever unlawfully removes a public record from the offices where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in G.S. § 132-3.

ARTICLE XIII. IMPLEMENTATION OF POLICY

Section 1. Prior Policies Repealed

All prior policies or resolutions regarding matters contained in this policy are hereby repealed and superseded.

Section 2. Severability

If any provision of these policies or any rule, regulation or order thereunder or the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies or such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Violations of Policy Provisions

An employee violating any of the provisions of these policies shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty that may be imposed for the violation of the same.

Section 4. Review and Update

The policies and procedures contained within this Personnel Manual, as well as all job descriptions, shall be reviewed and updated every five years, or sooner, as may be appropriate and necessary.

Section 5. Effective Date

These policies shall become effective on 1 July 2014.

APPENDIX A. Cell Phone Usage Policy

Policy: This policy outlines the use of personal cell phones at work, the personal use of business and/or personal cell phones and the policy regarding the safe use of cell phones by employees.

Personal Cellular Phones

While at work, employees are expected to exercise discretion in using personal cellular phones. Personal calls during the work hours, regardless of the phone used can interfere with employee productivity, safety and may be distracting to others. Employees are encouraged to make personal calls during breaks and lunch and to ensure that friends and family members are aware of the Town's policy. The Town will not be liable for the loss of personal cellular phones brought into the workplace. Cellular telephones may not be used to defame, harass, intimidate, or threaten any other person. Employees are prohibited from using their cell phones in any illegal, illicit or offensive manner while at work.

Personal Use of Town-Provided Communication Devices

Where job or business needs demand immediate access to an employee, the Town may authorize issue of a business cell phone, beeper and/or two-way radio for work-related communications. In order to protect the employee from incurring a tax liability for the personal use of equipment, such equipment should be used for business reasons only.

All employees understand that while some *de minimis* personal use is inevitable, a Town provided phone is intended for business calls only. The call detail records generated from assigned cell phones are records of the Town and may, on occasion, be subject to internal and outside audits by the Town and/or official agencies.

Employees in possession of Town equipment (e.g., cellular phones, pagers, radios, etc.) are expected to protect the equipment from loss, damage or theft. Upon resignation, termination of employment, or at any time upon request, the employee will be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within a reasonable time period (i.e., 24 hours) will bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss. Any outstanding debt will be deducted from the employee's final pay check in accordance with federal and state wage and hour rules and regulations.

Cellular Phone Use while Operating a Vehicle

Employees whose job responsibilities include driving or equipment operation will refrain from using their phone/communication device while driving a Town vehicle or while driving any other vehicle (rented, leased, borrowed, or their own vehicle) while conducting Town business.

Drivers shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cell phones and texting. Incoming or outgoing cellular phone calls or texts are not allowed while driving. Sending or reading text messages, emails, dialing cellular phones, viewing television, videos, or DVD's and inputting data into laptop computers, personal digital assistants or navigation systems are prohibited while driving. The cellular phone voicemail feature should be on to store incoming calls while driving and all message retrievals and calls and/or texts should be made after the vehicle is safely parked.

In situations where job responsibilities include regular driving and acceptance of business calls, hands-free equipment may be provided to facilitate the provisions of this policy. Under no circumstances are employees required to place themselves at risk to fulfill business needs.

Accidents incurred while the driver is using a cellular phone may be considered to be preventable and the driver may be subject to disciplinary action. Employees who are charged with traffic violations resulting from the use of their phone while driving will be responsible for all financial liabilities (fines associated with citations) that result from such actions.

Failure to follow this policy may result in disciplinary action, including and up to termination.

Applicable North Carolina General Statute

§ 20-137.4A. Unlawful use of mobile telephone for text messaging or electronic mail.

(a) Offense. - It shall be unlawful for any person to operate a vehicle on a public street or highway or public vehicular area while using a mobile telephone to:

- (1) Manually enter multiple letters or text in the device as a means of communicating with another person; or
- (2) Read any electronic mail or text message transmitted to the device or stored within the device, provided that this prohibition shall not apply to any name or number stored in the device nor to any caller identification information.

(a1) Motor Carrier Offense. - It shall be unlawful for any person to operate a commercial motor vehicle subject to Part 390 or 392 of Title 49 of the Code of Federal Regulations on a public street or highway or public vehicular area while using a mobile telephone or other electronic device in violation of those Parts. Nothing in this subsection shall be construed to prohibit the use of hands-free technology.

(b) Exceptions. - The provisions of this section shall not apply to:

- (1) The operator of a vehicle that is lawfully parked or stopped.
- (2) Any of the following while in the performance of their official duties: a law enforcement officer; a member of a fire department; or the operator of a public or private ambulance.
- (3) The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system.
- (4) The use of voice operated technology.

(c) Penalty. - A violation of this section while operating a school bus, as defined in G.S. 20-137.4(a)(4), shall be a Class 2 misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00). Any other violation of this section shall be an infraction and shall be punishable by a fine of one hundred dollars (\$100.00) and the costs of court.

No drivers' license points or insurance surcharge shall be assessed as a result of a violation of this section. Failure to comply with the provisions of this section shall not constitute negligence per se or contributory negligence per se by the operator in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a vehicle. (2009-135, s. 2; 2012-78, s. 9.)

Appendix B. Email Policy

The Town of Warrenton has established this policy to address the access and disclosure of electronic mail messages created, sent or received by Town employees using the Town's electronic mail system.

Warrenton intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required by changing technologies.

1. The Town maintains an electronic mail system that is provided to assist in the conduct of business.
2. The electronic mail system hardware is Town property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the Town. They are not the private property of any employee.
3. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-related solicitations.
4. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
5. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
6. The Town reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed without the permission of the employee.
7. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read the message. Further, the use of passwords for security does not guarantee confidentiality.

8. Notwithstanding the Town's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the employee.
9. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's message without the latter's permission.
10. Any employee who discovers a violation of this policy shall notify their supervisor.
11. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge, as outlined in the Personnel Policies.

Appendix C. Internet Usage Policy

Access to the Internet has been provided to employees for the benefit of the organization and allows employees to connect to information resources around the world. Every employee has a responsibility to maintain and enhance the Town's public image, and to use the Internet in a productive manner. To ensure that all employees are responsible, productive Internet users and are protecting the Town's public image, the following guidelines have been established for using the Internet.

Acceptable Uses of the Internet

Employees accessing the Internet are representing the Town. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Internet Relay Chat channels may be used to conduct official business, or to gain technical or analytical advice. Databases may be accessed for information as needed. E-mail may be used for business contact.

Unacceptable Use of the Internet

The Internet should not be used for personal gain or advancement of individual views.

Solicitation or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Town network or the networks of other users. It must not interfere with employee productivity.

Communications

Each employee is responsible for the content of all text, audio, or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet shall have your name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language is transmitted through the system. Employees who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems.

Software

To prevent computer viruses from being transmitted through the system there will be no unauthorized downloading of any software. All software downloads will be done through Information Services.

Copyright Issues

Copyrighted materials belonging to entities other than the Town may not be transmitted by employees on the Internet. One copy of copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users, unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action by the Town or legal action by the copyright owner.

Security

All messages created, sent or retrieved over the Internet are the property of the Town of Warrenton, should be considered public information. The Town reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. Internet messages are public communication and not private. All communications including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Harassment

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual or group's race, religion, national origin, physical attributes, or sexual preference will be transmitted.

Violations

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary the Town will advise appropriate legal officials of any illegal violations.

**TOWN OF WARRENTON
INTERNET CODE OF CONDUCT
ACKNOWLEDGEMENT FORM**

As an employee of the Town of Warrenton, I _____, recognize and understand that the Town's e-mail systems are to be used for conducting the town's business only. I understand that use of this equipment for private purposes is strictly prohibited. Further, I agree not to use a password that has not been disclosed to my supervisor. I agree not to access a file or retrieve any stored communication other than where authorized unless there has been prior clearance by an authorized town representative.

I am aware that the Town reserves and will exercise the right to review, audit, intercept, access and disclose all matters on the Town's e-mail systems at any time, with or without employee notice, and that such access may occur during or after working hours. I am aware that use of a password or code does not restrict the Town's right to access electronic communications. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment.

I acknowledge that I have received a copy of the policy. I also acknowledge that I have read and that I understand this notice.

Signature of Employee

Date

CC: Employee
File

Appendix D. Social Media Policy

1. PURPOSE

The role of technology in today's workplace is continually expanding and includes social media communication tools that facilitate interactive information sharing, interoperability and collaboration. Commonly used social media sites, such as Facebook®, Twitter®, MySpace™, YouTube®, Flickr® and LinkedIn®, have large loyal user bases and are increasingly important outreach communications tools for local government entities. Moreover, a social networking presence has become a hallmark of a vibrant and transparent communications strategy. Social networking improves interactivity between the town and the public, and it reaches populations that do not use traditional media as frequently as others. Therefore, departments are encouraged to enhance their communications strategies by using social networking sites. In doing so: however, departments must take care to choose the types of social networks that make the most sense for their type of information and that give emphasis to tools that provide more information across multiple outlets to the broadest audience.

All communication tools should be used in ways that maximize transparency, maintain the security of the network and are appropriately professional. Social media is no exception and; therefore, the application of social media within departments must be done thoughtfully and in a manner that will minimize risk. In addition, social media users should be aware that these types of communications are public records and must be maintained for periods of time as determined by the public records law. This policy provides guidelines intended to ensure that social networking sites, maintained by departments are secure and appropriately used and managed. These guidelines are designed to protect Town employees and ensure consistency for departments incorporating social media into their mission.

2. GUIDELINES

2.1 IMPLEMENTATION

Every department must have a clear communications strategy and take the time to determine if and how social media fits into this strategy. Those departments choosing to utilize social networking sites should designate an employee(s) within the department to lead this activity. The following questions should be considered when determining whether the use of social media is appropriate:

- Who is the media meant to reach? Is this my target audience?
- What is the department attempting to communicate? Can it be effectively communicated using this media?
- Does the department want to elicit feedback from citizens? What media is best suited to allow for the type of interaction desired?
- Who is responsible for managing the department's account? Will this person represent the department appropriately? Have they been properly trained in the use of social media?
- What are the department's responsibilities regarding collection and records retention including preservation of social media content? What does the records retention schedule require for these records? How do we collect and store the media content?

When a department decides to use a form of social media that is deemed beneficial to its mission it should first establish employee boundaries for using the service. It is important for department heads and supervisors to communicate expectations for appropriate usage for the media within the workplace.

There should be an authorization process for employees wishing to create an account for the benefit of the department with the department head, or designee, must evaluate all requests for usage, verify staff being authorized to use social media tools and confirm completion of online training for social media. The department head, or designee, is also responsible for maintaining a list of all social networking application domain names in use, the names of all employee administrators of these accounts, as well as the associated user identifications and passwords currently active within their respective departments. Should the employee who administers the account be removed as administrator, or no longer be employed by the department, the department head, or designee, should immediately change all passwords and account information to maintain department control. Departments must send the name of the person designated to oversee department sites along with site name and type to the Town Administrator who is responsible for maintaining a master list.

The Town Administrator will provide assistance to help determine the best method to archive the content. Any department social networking usage implemented prior to the approval and implementation of this policy must be reviewed by the department head, or designee, to ensure and bring into compliance with these guidelines.

In summary, department heads, or designees, will:

- Oversee and confirm decisions regarding social media sites including authorization of sites.
- Evaluate requests for usage.
- Verify staff being authorized to use social media tools.
- Maintain a list of social media domains, active account logins and passwords.
- Change passwords if employee is removed as administrator in order to maintain department control.
- Ensure social media material is archived including providing a list of all social media URLs and contact information.

2.2 ACCEPTABLE USE

All use of social networking sites by departments must be consistent with all applicable laws, regulations and policies including the Electronic Communications Policy and all information technology security policies. This includes the department and Town acceptable use policies and any applicable Records Retention and Disposition Schedules or policies, procedures, standards or guidelines promulgated by the North Carolina Department of Cultural Resources. All usage must be in compliance with the before mentioned policies as well as the guidelines in this document.

Separate Personal and Professional Accounts:

Employees should be mindful of blurring their personal and professional lives when administering social media sites.

Personal Use:

The Town supports every employee having personal social networking sites; however, those sites must remain personal in nature and be used to share personal opinions or non-work related information. This helps ensure a clear distinction between sharing personal and town views. In addition, **employees should never use their Town e-mail account or password in conjunction with a personal social networking site** and employees should never refer or link to their personal site(s) from their town site. Employees should remain mindful of their responsibilities under the Town's E-Mail Policy and Internet Ethics Policy when posting on the Internet.

Professional Use:

All departments related communication through social media outlets should remain professional in nature. Employees must not use social networking sites for political purposes, to conduct private commercial transactions or to engage in private business activities. Sites containing anything racially or sexually discriminating or of a political or religious nature are prohibited. Employees must remain mindful that inappropriate usage

of social media are grounds for disciplinary action up to and including termination of employment. Thus, if an account is used for business, the entire account, regardless of any personal views, is subject to these guidelines, including the collection and preservation provisions.

Be Clear As To Identity:

When creating social media accounts that require individual identification, Town employees should use their actual name, not pseudonyms. However, using actual names can come with some risks. Any employee using his or her name as part of a department's application of social media should be mindful of the following:

- Do not assume privacy. Only post information that you are comfortable disclosing.
- Use different passwords for different accounts (both social media and existing work accounts). Using the password for all accounts increases the vulnerability of the accounts being compromised.

Terms of Service:

Employees should be aware of the Terms of Service (TOS) of the particular form of media. Each form of social media has its own unique TOS that regulate how users interact using that particular form of media. Any employee using a form of social media on behalf of a department should consult the most current TOS in order to avoid violations. If the TOS contradicts town policy then the Town Administrator should be made aware and a decision made as to whether the use of such media is appropriate.

Content of Posts and Comments:

Employees using social media to communicate on behalf of a department should be mindful that any statements made are on behalf of Town government; therefore, employees should use discretion before posting or commenting. Once these comments or posts are made they can be seen by anyone and may not be able to be withdrawn. Consequently, communications should include no form of profanity, obscenity or copyright violations. Likewise, confidential or non-public information should not be shared. Employees should always consider whether it is appropriate to post an opinion, commit oneself or one's department to a course of action, or discuss areas outside of one's expertise. If there is any question or hesitation regarding the content of a potential comment or post, it is better not to post. There should be great care given to screening any communication made on behalf of the department using this social media as improper posting and use of social media tools can result in disciplinary action.

Posts and Comments Are Public Record:

Like e-mail, communication via department related social networking sites is a public record. This means that both the posts of the employee administrator and any feedback by other employees or non-employees, including citizens, can become part of the public record. Information on social media sites has little or no historical value; therefore, content will not be retained in most cases. Because others might not be aware of the public record law, departments should include the following statement on the social networking site:

Representatives of government communicate via this site.

Consequently any communication via this site (whether by an employee or the general public) may be subject to monitoring and disclosure to third parties and is considered public.

The Town of Warrenton Comment Policy:

These social media sites provide the opportunity to present matters of public interest in town government, including its many residents, businesses and visitors. We encourage you to submit your questions, comments and concerns, but please note this is a moderated online discussion site and not a public forum.

It should be further noted that service requests should not be submitted through comments on any town government social media site. Service requests must be submitted through established procedures.

Once posted, Town government reserves the right to delete submissions that contain:

- Vulgar language.
- Personal attacks of any kinds.
- Offensive comments that target or disparage any ethnic, racial or religious group.

Further, town government also reserves the right to delete comments that are:

- Spam or include links to other sites.
- Clearly off topic.
- Advocate illegal activity.
- Promote particular services, products or political organizations.
- Infringe on copyrights or trademarks.
- Use personally identifiable medical information.

Please note that the comments expressed on these sites do not reflect the opinions or positions of the Town government or its officers and employees. If you have any questions concerning the operation of this online moderated discussion site, please contact the Town Administrator.

2.3 SECURITY

To safeguard employees and departments it is imperative to be mindful of how to prevent fraud or unauthorized access to either the social media site or the county network. In almost every case where an attacker accesses a system without authorization, they do so with the intent to cause harm. The harm intended may be mild, such as:

- Making unofficial posts, tweets or messages, possibly of an embarrassing nature, that will be seen by the public as official messages.
- Using the compromised site to spread malware, or
- Encouraging users to either click on links or download unwanted applications that the attacker has added to the site.

In some cases, the intended harm may be more serious. For instance, attackers could access the network and obtain information that could be used to compromise or disable the system, employees or citizens. In this scenario, attackers could acquire information such as:

- Confidential information about employees or citizens.
- Sensitive security information.
- Data about public safety plans, or,
- Defenses currently in place against attacks on public facilities.

Methods Used to Breach IT Security:

It is important to note that security related to social media is fundamentally a behavioral issue, not a technology issue. In general, employees unwittingly providing information to third parties pose a risk to the core network. Consequently, employees should know the major threats they may face and how to avoid falling prey. Prevalent social media security risks include third-party spear phishing, social engineering, spoofing and web applet attacks.

As a result of the relative vulnerability of social media sites to these security exploits, it is important to be cautious when using such sites. In order to prevent potential harm, users of social networking should minimize the amount of information an attacker is likely to gain from a successful attack. For example,

individual user IDs and passwords should not be duplicated across multiple sites. In this way, if one site is compromised, the attacker cannot also gain access to other sites for which the user is authorized.

In particular, because of the importance of proper operation of the network and the sensitivity of information stored on systems within the network, an employee must never use a current password as a password on any other site.

If departments participate in social networking, they should:

1. Ensure that employees are made aware of which information to share, with whom they can share with and what not to share.
2. Provide security awareness training regarding the risks of information disclosure when using social media and make them aware of various attack mechanisms as described in this document.
3. Educate employees about specific social media threats before they are granted access to social media websites.

2.2 RECORDS MANAGEMENT AND PRESERVATION

Communication through department related social media is considered a public record under North Carolina General Statutes, Chapter 132 and will be managed as such.

- All comments or posts made to department account walls or pages are public.
- In the spirit of transparency in Town government, account administrators who receive messages through the private message service offered by the social media site should direct the user to contact them at a public e-mail address maintained by their department. Alternatively, account administrators could reply to the inquiry using their town e-mail account. Departments should set all privacy settings to moderated.
Comments expressing an opposing view point must be allowed.

Departments must assume responsibility for public records and adhere to the schedule of collection for social networking sites set by the North Carolina State Archives.

Conclusion

Social media is an effective and efficient way for agencies to communicate with and participate in the larger community. It will continue to shape and support the way agencies communicate and collaborate with constituents as they strive to provide an accountable and transparent government. As departments use social media they need to strike a balance between providing access to information and securing the Town's core network. To find that balance, each department needs to assess its risks. This document is meant to help departments and their users understand these risks and outline some best practices for social media usage.

The Town of Warrenton Historic Preservation Commission

HISTORIC DISTRICT RULES OF PROCEDURE

1.0 PURPOSE

To establish procedures for organizing the business of the Warrenton Historic Preservation Commission (“Commission”); for processing applications for a Certificate of Appropriateness (“COA”); for pursuing the designation of historic properties; and to fulfill any other duties contained and/or implied in the Historic Preservation Ordinances (“Ordinance”).

2.0 GENERAL RULES

The Commission shall be governed by the regulations pertaining to historic properties as incorporated in the Town’s Zoning Ordinance and by the terms of Chapter 160A Article 19 Part 3C Historic Districts and Landmarks of the North Carolina General Statutes. For procedures not covered by the aforementioned the Commission shall follow the rules contained in the current edition of Robert’s Rules of Order.

3.0 JURISDICTION

The Commission’s jurisdiction for its activities shall coincide with the Town’s Zoning Jurisdiction as delineated and shown on the official zoning map for the Town of Warrenton.

4.0 MEMBERS, OFFICERS AND DUTIES

The Commission shall be composed of seven (7) members, whose qualifications and terms of office are set forth in the Warrenton Historic Preservation Zoning Ordinance.

4.1 Chairman

The members of the Commission shall elect a Chairman from among the Commission’s members. The Chairman shall decide all points of order and procedure subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chairman shall appoint any committees found necessary to investigate any matters before the Commission.

4.2 Vice-Chairman

The Commission shall elect a Vice-Chairman from among the Commission’s members in the same manner as the Chairman. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman and, at such times, shall have the same powers and duties as the Chairman.

4.3 Secretary

The Town Administrator shall also serve as Secretary to the Commission. The Secretary, subject to the direction of the Chairman of the Commission, shall keep all records, conduct all correspondence of the Commission, and generally supervise the clerical work of the Commission. The Secretary, being an exofficio member of the Commission, shall not be eligible to vote on any matter which comes before the Commission.

4.4 Elections

The election of officers shall be held at the first regular meeting following the enactment of this ordinance. Thereafter, the election of officers shall be held at the first regular meeting in July of each year. Members shall be notified by the Secretary in writing of the election of officers at least thirty days prior to the regular July meeting.

4.5 Attendance at Meetings

Faithful and prompt attendance at all meetings of the Commission and conscientious performance of the duties required of members shall be a prerequisite to continuing membership on the Commission. Should a member fail to attend three consecutive regular meetings of the Commission and should there be no adequate excuse for such absences, the Chairman, with the concurrence of a majority of the members of the Commission present at a regularly scheduled meeting, shall recommend to the Board of Commissioners (“Board”) that a vacancy be declared and that the vacated position be filled.

4.6 Applications Involving Member

No Commission member shall take part in the hearing, consideration or determination of any case in which he/she is a part or has a financial interest.

4.7 Conflicts of Interest

4.7.1 No member of the Commission shall seek to influence a decision, participate in any action or cast a vote involving any matter that is before the Commission which may result in a private benefit to themselves, their immediate relatives or their business interests. In applying this rule, the following procedure shall govern:

(a) A Commission member, who determines there exists a conflict of interest, shall declare the existence of a conflict and shall seat himself apart from the remaining Commission members at such times as when said matter is being discussed by the Commission. Said member shall abstain from voting on said matter but may voice his/her opinion, as a non-voting citizen on the mailer.

(b) A Commission member who believes there may exist a conflict of interest shall declare the possible conflict and ask for a determination by the Commission. A majority vote of the Commission shall determine whether or not a conflict of interest exists.

4.7.2 A challenge of the existence of a conflict of interest or a challenge of an undisclosed conflict of interest may be filed by any interested party with the Commission. Such a challenge may be an appeal for a review of the finding of the Board or may be for the purpose of alleging an undeclared conflict of interest. Any challenge made to the Commission shall be supported by competent evidence and shall be submitted to a properly convened meeting of the -Commission. The Commission shall hear all evidence and shall, by majority vote, make the final determination as to the existence of a conflict of interest.

4.7.3 Withdrawal from participation in any matter is necessary only in those specific cases in which a conflict exists. There shall be no attempt to exclude entire categories of consideration because of the business or profession with which a member is associated.

4.8 Knowledge of Controlling Rules and Regulations

Each member of the Commission shall be thoroughly familiar with all Statutes, Laws, Ordinances and Rules of Procedure relating to historic properties and the authority of the Commission.

5.0 Meetings

5.1 Regular Meetings

Regular meetings of the Commission shall be held on the third Monday of each month at

7:00 p.m. in the Warrenton Town Hall; provided that the meetings may be held at some other convenient place if directed by the Chairman in advance of the meeting.

5.2 Special Meetings

Special meetings of the Commission may be called at any time by the Chairman in compliance with the North Carolina General Statutes regarding open meetings.

5.3 Cancellation of Meetings

Meetings of the Commission may be cancelled at any time by the Chairman in compliance with the North Carolina General Statutes regarding open meetings.

5.4 Quorum

A quorum shall consist of four (4) members of the Commission.

5.5 Conduct of Meetings

All meetings shall be open to the public. The order of business at regular meetings shall be as follows: (a) roll call; (b) approval of minutes of previous meeting; (c) time for public comments; (d) report of committees; (e) unfinished business; (f) consideration of applications; (g) new business to be brought to the attention of the Commission; (h) adjournment.

6.0 APPLICATION PROCEDURES — CERTIFICATE OF APPROPRIATENESS

6.1 Certificate of Appropriateness Required

Once a property or area is designated a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Certificate of Appropriateness (COA) as to exterior features has been submitted to and approved by the Commission. Such COA must be issued by the Commission prior to the issuance of a zoning permit, building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing

structures, which such COA may be issued subject to reasonable conditions necessary to carry out the purposes of this Ordinance. A COA shall be required whether or not a building or other permit is required. Normal maintenance such as painting, yard maintenance and the repair of broken glass is considered a minor work and does not require a COA.

For purposes of this Ordinance, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, “exterior features” shall be construed to mean the style, material, size, and location of all such signs. Such “exterior features” may include historic signs, color, and significant landscape, archaeological, and natural features of the area.

6.2 Filing of Application

An application must be filed by the first Thursday of each month with the Secretary to the Commission prior to the next meeting of the Commission, accompanied by sketches, drawings, photographs, specifications, descriptions, etc., of the proposed project.

6.3 Notice to Neighboring Property Owners

The Secretary shall notify all of the individuals, firms, or corporations owning property adjacent to the side, rear, and in front of (across the street from) the property being considered for a COA.

6.4 Review Sub-Committee

It shall be the policy of the Commission in regard to applications involving new construction or extensive alterations that a sub-committee of the Commission shall be available to meet with representatives of the persons or organizations involved in the coming application at some early stage in the design process in order to advise them informally concerning the Commission’s guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This sub-committee collectively and individually shall refrain from any indication of approval or disapproval, but shall not, for that reason, be barred from a reasonable discussion of the applicant’s proposal. No advice or opinion given, or reported as having been given, by any member of the subcommittee at such an informal meeting shall be in any way official or binding upon the Historic Preservation Commission at anytime. Notice of the need for such a conference should be given to future applicants by the Town at the earliest appropriate time.

6.5 Public Hearings

In cases where the Commission deems it necessary, it may hold a public hearing concerning the application.

6.6 Time for Decision

The Commission must take formal action to issue or deny a COA within a reasonable time, not to exceed 180 days from the date the application for a COA is filed. The imposed time limit may be extended upon mutual agreement of the applicant and the Commission.

6.7 Approved Application

If the application is approved, the Secretary for the Commission shall transmit to the applicant, a COA in letter form, clearly describing the nature of the work which has been approved. The Secretary shall attach a copy of the minutes of the meeting at which approval was granted and forward this information to the Inspections Department, which is responsible for its enforcement.

6.8 Denied Applications

If an application is denied, a copy of the minutes of the meeting and written reasons for denial shall be made available to the applicant.

7.0 CONSIDERATION OF APPLICATIONS

Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for a COA shall be as follows:

- (a) The Chairman, or such person as he/she shall direct, shall give a preliminary statement describing the application.
- (b) The applicant shall present the arguments in support of the application.
- (c) Persons opposed to granting the application shall present the arguments against the application.
- (d) Statements or arguments submitted by an official, commission, or Department of the Town of Warrenton, any State agency, or any local historical,

preservation, or neighborhood association should be presented as directed by the Chairman.

(e) The Chairman, or such person as he shall direct, shall summarize the evidence which has been presented⁷ giving all parties an opportunity to make objections or corrections.

(f) The Commission shall proceed to deliberate thereafter to grant the application or to deny it in a manner consistent with the provisions set forth herein.

The Commission may, in its discretion, view the premises subject to the application and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate Findings of Fact, and where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

In considering applications, witnesses may be called and factual evidence may be submitted, but the Commission shall not be limited to consideration of such evidence as would be admissible in a court of law.

8.0 RECONSIDERATION OF APPLICATIONS WHICH HAVE BEEN DENIED

The order of business for reconsideration of applications for a COA which previously have been denied shall be as follows:

8.1 The Chairman shall entertain a motion from a member of the Commission that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the Commission to determine whether or not there has been a substantial change in the facts, evidence or conditions relating to the application provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence, if the Commission decides to reconsider the application.

8.2 After receiving the evidence, the Commission shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application, which would warrant reconsideration, If the Commission finds that there has been such a change, it shall treat the request as a new application received at that time.

9.0 MODIFICATIONS OF APPLICATIONS

An approved or pending application for a COA may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans, or sketches, where necessary. If the Commission finds that the modifications constitute a substantial change, which might affect surrounding property owners, it shall request the Secretary to notify affected property owners following the procedures set in Section 6.2 before taking action on the modification. The Commission shall treat the request in the same manner as any other application as outlined in Section 6.0.

10.0 ACTION BY THE BOARD

All actions of the Commission shall have been put before the Commission members in the form of a motion, duly seconded, and voted upon by all members present for a quorum.

11.0 APPEALS

Appeals from decisions of the Commission shall be made to the Board of Adjustments within thirty days of the approval by the Commission of the minutes of the meeting containing the decision being appealed.

12.0 DESIGNATION OF HISTORIC PROPERTIES (Districts and Landmarks)

12.1 Identification and Evaluation of Historic Properties

The commission shall maintain an inventory of properties thought to have historical, architectural, pre-historical, and cultural significance within its jurisdiction. Such inventories and any additions or revisions thereof shall be submitted as expeditiously as possible to the Division of Archives and History (State of North Carolina) for comment. Listing in the inventory shall be a prerequisite for pursuing local designation as a historic district or landmark.

12.2 Initiating the Designation of Historic Properties

Any individual or group with interest in historic preservation may seek the Historic Preservation Commission's assistance in advancing a certain property for consideration of designation. Any property owner may request and enlist the assistance of the Commission in pursuing the designation of a property, which he/she/they own. Also, the Commission may of its

own volition initiate the local designation of historic properties. When designation is not being initiated by the property owner, the Commission shall notify the property owner of the designation application and extend to the property owner an opportunity to appear before the Commission at a regularly scheduled meeting to voice his/her/their support or lack thereof for the designation application.

12.3 Designation Recommendations

The Commission shall forward local designation recommendations to the Town Board for formal action. No property shall be recommended for designation unless it is deemed and found by the Commission to be of special significance in terms of its historical, prehistoric, architectural, or cultural importance and to possess integrity of design, selling, workmanship, materials, feeling and/or association. A report addressing these items shall be prepared in writing and upon review and formal approval of the Commission shall be forwarded to the Division of Archives and History for comment. After which, the same, along with any comments obtained from the State Agency, shall be presented to the Town Board for consideration prior to formal action being taken on the designation of historic properties.

12.4 Town Board Designations

The designation of a historic landmark or district shall become effective upon the adoption of an Ordinance by the Warrenton Town Board. Upon the adoption of the Ordinance, the owners and occupants of each designated landmark or property within a designated district shall be given written notification of the designation along with a copy of Section 6.0 of this Ordinance.

13.0 AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than a majority of the members of the Commission, provided that such amendment shall have first been presented to the membership of the Commission in writing at a regular or special meeting preceding the meeting at which their vote is taken.